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**MINUTES OF THE  
BOARD OF SELECTMEN**

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**MEETING OF  
December 1, 2008**

10 The Board of Selectmen held a meeting on Monday December 1, 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, Selectman Everett P. McBride, Selectman Patrick Hargreaves and Town Manager Mr. J.  
14 Sistare.

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**INTERVIEW SESSION**

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**CALL TO ORDER**

19 Chairman Roth began by calling the meeting to order at 6:34 p.m. She updated the Board on the  
20 status of the EDAC (Economic Development Action Committee. An interview was then held for  
21 the vacant position of Kelley Library Trustee as a result of Rosemarie Hartnett's resignation as  
22 Chairman of the Library Trustees. Mrs. Joan Fardella, 7 Karen Lane, Salem was interviewed for  
23 the position. Mrs. Fardella made an opening statement and each member of the Board was given  
24 the opportunity to ask her questions. Mrs. Fardella left the meeting and the Board held a brief  
25 discussion regarding Mrs. Fardella's suitability for the position.

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**MOTION:** by Selectman Hargreaves

28 *Move to appoint Joan Fardella as Kelley Library Trustee with effect from December 8, 2008*  
29 *until March 2009*

30  
31

**SECOND:** Selectman McBride

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**VOTE: 5-0-0**

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**The motion carried unanimously.**

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Next to be interviewed was Mr. George Fredette, 25 Sundial Avenue, Manchester for a vacancy  
38 on EDAC. Chairman Roth explained to Mr. Fredette how the Committee would operate and Mr.  
39 Fredette made an opening statement. Each member of the Board was then given the opportunity  
40 to ask him questions. Mr. Fredette left the meeting and the Board then held a brief discussion  
41 regarding his experience and suitability for the position.

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**MOTION:** by Selectman Hargreaves

44 *Move to appoint George Fredette to the Economic Development Action Committee (EDAC) as*  
45 *a full time member for a period to be determined at a later date.*

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47

**SECOND:** Selectman McBride

**VOTE: 5-0-0**

**The motion carried unanimously.**

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49

The second interviewee for EDAC, Mr. Frederick H. Weismann, 40 Carriage Lane, Bedford was  
50 unable to attend the meeting.

51  
52

There was no further business before the Board.

1 **MOTION:** by Selectman Hargreaves

2 *Move to recess to the Board of Selectmen regular meeting in the Knightly Room*

3 **SECOND:** Selectman McBride

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

5 **The motion carried unanimously.**

6  
7 **REGULAR MEETING**

8  
9 Chairman Roth began by calling the meeting to order at 7:05 p.m. She then joined the Board in  
10 the Pledge of Allegiance, and introduced members of the Board and the Town Manager.

11  
12 Chairman Roth announced the following appointments which had been made following an  
13 interview session which had taken place prior to the meeting:

- 14 • Mrs. Joan Fardella was appointed as Kelley Library Trustee effective December 8, 2008  
15 through March 2009. Chairman Roth read a thank you note from Ms. Rosemarie Hartnett  
16 who had resigned as Chairman of the Library Trustees.
- 17 • Mr. George Fredette was appointed to the Economic Development Action Committee  
18 (EDAC) as a full time member.

19  
20 **1. Chairman Comments**

21 Chairman Roth reported on the Salem Holiday Parade and thanked Selectman Hargreaves for  
22 all his work.

23  
24 **2. Meeting Minutes**

25 **MOTION:** by Selectman Lyons

26 *Move to accept the minutes of the Board of Selectmen Flood Mitigation Action Committee*

27 *Interview Session on November 17, 2008 as written*

28 **SECOND:** Selectman McBride

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

30 The motion carried unanimously

31  
32 **MOTION:** by Selectman Lyons

33 *Move to accept the minutes of the Board of Selectmen Regular meeting on November 17,*

34 *2008 as written*

35 **SECOND:** Selectman McBride

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

37 The motion carried unanimously.

38  
39 **3. Request for Waiver of Demand and Benefit Assessment**

40 *a) Michael Boutin – 19 Bridge Street*

41 *b) Richard Hamel – 21 Bridge Street*

42 Mr. Sistare reported he had received an administrative request from two residents – Messrs  
43 Boutin and Hamel for a waiver of demand and benefit assessment which the Board had  
44 denied, and the residents had requested a hearing to present their request in person.

45 Mr. Boutin provided information on the background to his request, stating the extension of  
46 sewer past their residences had been a private project and both he and Mr. Hamel had been

1 unaware of it. Mr. Boutin stated he had put in a new leach field and would not have done so  
2 if he had been told that sewer would eventually be extended to the area. He informed  
3 Chairman Roth he had built his home between February and October 2006.

4  
5 Selectman McBride pointed out the owner of his house must have been notified and he read  
6 out part of a memo from the Engineering Department written in August 2008.

7  
8 Chairman Roth clarified the situation and referred to the original warrant article for the  
9 Marsh/Elmwood project. There followed further discussion during which Selectman  
10 McBride clarified what the original plan had been, and Mr. Boutin requested a copy of the  
11 documentation surrounding the issue. Mr. Sistare stated he thought it would be helpful to  
12 have Mr. Puff attend a future meeting to discuss the matter further.

13  
14 Mr. Hamel provided information and an explanation for his request. Selectman Hargreaves  
15 asked for proof that the paperwork had been delivered to the residents.

16  
17 Selectman Barnes explained for Messrs. Hamel and Boutin the limitations upon the Board in  
18 this matter, quoting the RSA. He also clarified why in this instance they were being asked to  
19 pay the fees versus the recent case of the Stanwood residents. There was further discussion  
20 on the timing of the case and Selectman Hargreaves suggested they table a decision on the  
21 matter until they could receive additional information from Mr. Puff on December 8<sup>th</sup>.

22  
23 **MOTION:** by Selectman Hargreaves

24 *Move to table a decision on the request for waiver of demand and betterment fee until*  
25 *further information has been received and reviewed*

26 **SECOND:** Selectman McBride

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

28 **The motion carried unanimously.**

29  
30 Chairman Roth commented on the restrictions on the Board, stating they have to follow  
31 guidelines. She suggested both residents read the guidelines prior to the next meeting and  
32 further discussion.

#### 33 34 **4. Stateline Plaza Redevelopment – Road Improvements**

35 Mr. Sistare provided a brief introduction and handed over to Mr. Moldoff, Planning Director  
36 for further explanation.

37  
38 Mr. Moldoff introduced himself and reported that a condition of the Planning Board's  
39 acceptance of the Stateline Plaza redevelopment plan was that the Board of Selectmen should  
40 approve the road improvements. He provided information on the Planning Board review and  
41 the other departments which had also reviewed this. He also explained the road  
42 improvements would mitigate the impact of the project by improving traffic conditions, and  
43 suggested the Board approve them if they find them acceptable.

44  
45 Selectman Hargreaves requested that a stop sign be erected on Hampshire Street south  
46 towards the intersection with Oakridge as there have been accidents in this area.

1 Mr. Jim Winn of GPI and the developer, Mr. Mark Lavoie were in attendance. Mr. Winn  
2 provided a brief presentation to the Board regarding the process and discussions they have  
3 been involved in with other towns. He stated they would be holding a meeting with town  
4 departments such as police and fire on December 11, 2008. He also provided an overview of  
5 the improvements they intend to make, explaining these will improve rather than simply  
6 mitigate and that they will take into consideration the ability for the Town to tie in with their  
7 future ITS system.

8  
9 **Discussion:**

10 Chairman Roth asked whether they planned to install islands (medians) in middle of the  
11 crosswalks over R28 and Mr. Winn responded they had not intended installing these but that  
12 the timing of the lights should provide ample time for crossing the road. There was further  
13 discussion and Mr. Moldoff noted the request from the Board.

14  
15 In response to a query from Selectman Lyons, Mr. Moldoff confirmed the intent at every  
16 intersection is to improve upon the existing performance.

17  
18 In response to a query from Selectman McBride, Mr. Moldoff stated there would be a small  
19 improvement in the rating of the level of service when the work is completed.

20  
21 In response to a query from Selectman Lyons regarding the effect this will have on traffic  
22 which backs up to the state line, Mr. Winn explained they had used simulation models to  
23 demonstrate the effect of the improvements and they would help in this area.

24  
25 Mr. Winn also explained for Selectman Barnes why it was not necessary to have a crosswalk  
26 on Hampshire Road on the north branch.

27  
28 Responding to Selectman Hargreaves on how long residents would be inconvenienced while  
29 reconstruction is going on, Mr. Winn stated they will have meetings to discuss this and  
30 explained it would be a staged program so as not to inconvenience traffic. Selectman  
31 Hargreaves raised an issue regarding failure to notify residents in surrounding apartments and  
32 Chairman Roth pointed out she wished to limit discussion this evening to what was on the  
33 agenda.

34  
35 Mr. Sistare stated he had taken note to inform Public Works regarding the stop sign request  
36 by Selectman Hargreaves.

37  
38 **MOTION:** by Selectman Barnes

39 ***Move that the Salem Board of Selectmen does hereby agree with the Planning Board's***  
40 ***recommended improvements to South Broadway as part of the W/S Stateline site plan***  
41 ***dated October 28, 2008 and approve of the proposed roadway improvements as detailed in***  
42 ***the site plan for this project.***

43 **SECOND:** Selectman Lyons

44 Chairman Roth stressed the matter of crosswalks and the safety of residents. She also stated  
45 the Board of Selectmen should investigate if there is a problem regarding notification of  
46 abutters.

1 Mr. Moldoff informed Selectman McBride they have not determined yet whether an  
2 easement for the sidewalk should be obtained. Selectman McBride also pointed out the  
3 Town would have to accept some liability if crosswalks are installed but no pedestrian  
4 signals are installed. Selectman McBride also suggested installation of a staircase down to  
5 the parking lot might be a good idea.

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

8 **The motion carried unanimously**

9  
10 **5. Palmer School Update**

11 Mr. Sistare provided a brief introduction on the current status of the Palmer School and  
12 handed over to Mr. Chris Dillon, Recreation Director for more detail. Mr. Dillon stated he  
13 had met with a builder regarding a proposal for the roof repairs and handed out a copy of the  
14 report from Stonehill Builders, stating Stonehill are proposing beams and ties to reinforce the  
15 roof at a fraction of the cost of the other quotes. He mentioned that in addition he has  
16 scheduled a meeting with another engineer through Stonehill. He pointed out things which  
17 are not included in the proposal, and also spoke about a recommendation to have the  
18 insulation replaced which would cost approximately an additional \$3,000. Mr. Sistare  
19 pointed out there is also \$6,100 repairs budgeted for 2009 and this would not be needed if the  
20 work being discussed is done in 2008.

21  
22 **Discussion:**

23 Mr. Dillon provided confirmation for Selectman Hargreaves that the proposal would be a  
24 permanent solution to the roof problems. Mr. Dillon reported he had confirmed with the Fire  
25 department that a sprinkler system would not be required, and provided the reasons why. He  
26 also clarified the issues with the stone pillars which support the floor are due to the stress  
27 being put on the walls by the lack of support to the roof.

28  
29 Selectman Barnes clarified with Mr. Sistare regarding his prior comments relating to what he  
30 would do with money left over from this year, confirming that there would be money  
31 available to do the work on the school this year. It was noted for the record that the Board  
32 supported making the repairs to the Palmer School as outlined by Mr. Dillon.

33  
34 **MOTION:** by Selectman McBride

35 ***Move to authorize the Town Manager to expend up to \$10,000 to complete the necessary***  
36 ***improvements to preserve the Palmer School***

37 **SECOND:** Selectman Barnes

38 In response to a query from Selectman Lyons, it was confirmed it would take a couple of  
39 weeks to get the work done and Mr. Sistare stated he will ensure that an engineers signs off  
40 on the proposal that it conforms to code and safety.

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

42 **The motion carried unanimously.**

43 Chairman Roth declared a recess at 8:25 p.m. calling the meeting to order again at 8:35 p.m.

44  
45 **6. Bike Drawing Award and Update on Bicycle and Pedestrian Project**

46 Mr. Sistare handed over to Mr. Bill Carter, Secretary of the Bicycle Pedestrian Corridor

1 Committee who introduced members of the Committee who were in attendance. He  
2 provided a presentation on what they have been working on for the last six months (see copy  
3 attached). He stated the results of the survey were available on line and reviewed these, after  
4 which he handed over to Mr. Dave Topham who explained this is a regional project  
5 providing connection to other communities. He also provided information on what the path  
6 will be constructed from, and that there will be no motorized vehicles permitted on it. Other  
7 areas Mr. Topham covered were the effect on wetlands; that the path will be separate from  
8 residences in the area of Old Rockingham Road; that privacy concerns would be addressed;  
9 that the development of a railway is not likely for this corridor; and that property values in  
10 the vicinity of the path would likely increase. He also explained it would be paid for with a  
11 grant for the engineering, and he explained where the money would come from for the  
12 construction. He then covered the next steps and what the schedule would be.

13  
14 Mr. Carter then announced the results of the drawing for a bicycle for those who participated  
15 in the survey, explaining that the winner had requested that two children's bikes be presented  
16 to the Boys and Girls Club. Representatives of the Club were in attendance to accept the  
17 bikes.

18  
19 Mr. Topham acknowledged Mr. Derek Schultz, a local high school student for his work on  
20 the website for the Committee and stated that several volunteers come forward as a result of  
21 the web site and the survey.

22  
23 Selectman Lyons requested updates for the Board on information on the plan relative to the  
24 intersections and crossings. Mr. Topham stated there will be pictorial views on the web site  
25 and crossings will be indicated on this.

## 26 27 **7. Status of Kinsler Building**

28 Mr. Sistare provided a report on the status and background of this item, stating they had  
29 received an estimate for asbestos removal of \$15,000 and that the estimate in the budget is  
30 under funded. As a result of this it would now be necessary to put this forward as a warrant  
31 article for \$27,500.

32  
33 **MOTION:** Selectman McBride

34 *Move to authorize the Town Manager to prepare a warrant article in the amount of*  
35 *\$27,500 for to complete the removal of the Kinsler Building.*

36 **SECOND:** Selectman Hargreaves

37 **VOTE:** 4-1-0 (Selectman Lyons opposed the motion)

38 **The motion carried unanimously.**

## 39 40 **8. Discuss Charter Reform Committee Recommendations**

41 Mr. Sistare provided an update on the cost of an election as discussed at the previous Board  
42 meeting, explaining the timing would need to be within two months of the Town Meeting,  
43 but could not take place on the same day.

44  
45 **Discussion:**

46 Selectman Lyons stated he would recommend the Board take a strategy of moving forward

1 with a Charter Commission. He stressed this would not necessitate a change in the form of  
2 government, and that periodic review of the Town Charter is positive thing.

3  
4 Selectman McBride stated he was willing to put the question on the ballot as long as  
5 residents are aware of the election cost.

6  
7 Selectman Barnes stated he would also recommend putting this on the ballot based on the  
8 response he has seen to his informal survey of residents.

9  
10 **MOTION:** by Selectman Lyons

11 *Move to accept the recommendation of the Salem Charter Reform Committee to move*  
12 *forward with a formal Charter Commission under the provisions of RSA 49-B:3, with the*  
13 *question to be place before the voters on the official ballot as required by law to be:*  
14 *“Shall a Charter Commission be established for the purpose of revising the municipal*  
15 *charter or establishing a new municipal charter?”*

16 **SECOND:** Selectman McBride

17  
18 Selectman Barnes suggested they make a request of the State to reduce the number of polling  
19 stations for the election pertaining to this matter. It was agreed Mr. Sistare should perform  
20 further research on the matter.

21  
22 In response to a query raised by Selectman Hargreaves, there was a brief discussion  
23 regarding the number of votes required for something like this.

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

25 **The motion carried unanimously.**

26 Chairman Roth stated that the comments she had received also indicated residents wanted  
27 this to be put on the ballot.

## 28 29 **9. Town Manager’s Report**

30 Mr. Sistare provided an update on the road plowing question from Mr. Lewis of Braemoor  
31 Woods, stating the Board of Selectmen can declare a road as an emergency lane to keep it  
32 open in winter, but it would require a public hearing. Chairman Roth clarified with Mr.  
33 Sistare that the Board would have authority to limit the dates for this. Mr. Sistare provided  
34 an update on the law relating to the acceptance of roads, explaining the Town may have  
35 accepted unaccepted roads they have been maintaining by default or by implied acceptance.  
36 He reported he has asked Engineering for a list of those roads the Town has been maintaining  
37 and will ask an attorney to review this to determine what a court might decide. He stated he  
38 felt this needs clarity as the Town is exposing itself to liability in this area at present.

39  
40 Chairman Roth agreed with Mr. Sistare and there followed a discussion regarding the  
41 Board’s opinion in this matter. Mr. Sistare provided clarity regarding the situation for roads  
42 in the future versus roads in the past which fall into this category and there followed further  
43 discussion.

44  
45 Mr. Sistare stated he would like to request a non-meeting meeting take place after the  
46 meeting.

1 **10. Selectmen Reports/Correspondence**

2 Selectman McBride stated he had attended the annual volunteer meeting and read into the  
3 record details of the things which have gone on over at the senior center, as well as  
4 information on the number of volunteers and the time they spent helping out at the senior  
5 center.

6  
7 Selectman Hargreaves announced the following:

- 8 • Lions Club annual tree lighting ceremony scheduled on December 4 at the Veterans  
9 Commons at 6:30 p.m.
- 10 • The awards for the holiday parade will take place on December 9 at 6:30 p.m. the  
11 Salem/Derry Elks
- 12 • A call for volunteers for the parade in 2010.
- 13 • The Wheeler Avenue Street light had been installed.
- 14 • December 19 is the last day for Toys for Tots donations.
- 15 • A call for donations at food pantries and provided information on the drop locations.

16 Selectman Hargreaves provided an apology for his reference during the meeting to the New  
17 England Dragway and apologized if he had offended anyone.

18  
19 Chairman Roth announced that the Town is a finalist in the Festival of Trees for a \$10,000  
20 award. She encouraged viewers and members of the Board to go along and vote before  
21 voting ends on December 6.

22  
23 Selectman Hargreaves thanked everyone for their work on the Budget.

24  
25 **11. Old Business Tabled/Pending**

26 There were no items to be discussed.

27  
28 • **Additions/Requests by the Public**

29 There were no items under this topic.

30  
31 **Upcoming Meetings**

- 32 ○ December 8, 2008
- 33 ○ December 15, 2008
- 34 ○ January 5, 2009
- 35 ○ January 12, 2009
- 36 ○ January 26, 2009

37  
38 • **Upcoming Events**

- 39 ○ See above under Selectmen reports.

40  
41 **MOTION:** by Selectman Lyons

42 *Move to go to non public session under RSA 91-A:3,II(c)*

43 **SECOND:** Selectman McBride

44 **VOTE: Chairman Roth polled the Board as follows:**

45 Selectman Lyons – yes

46 Selectman Barnes – yes

1 Selectman McBride – yes

2 Selectman Hargreaves – yes

3 Chairman Roth - yes

4 **The motion carried unanimously.**

5

6 Without further business, the Board moved to Non-public session at 9:32 p.m.

7

8 Notes/Minutes Taken by: Sandra Maxwell

9

10 Approved: Board of Selectmen

11

12 Date: December 8, 2008