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**MINUTES OF THE
BOARD OF SELECTMEN**

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**Regular Meeting of
October 26, 2009**

7 The Board of Selectmen held a meeting on Monday, October 26, 2009 at Salem Town Hall, 33
8 Geremonty Drive, Salem, NH.

9
10 **PRESENT:** Chairman Arthur E. Barnes III, Vice-Chairman Michael J. Lyons, Secretary
11 Elizabeth A. Roth Selectman Everett P. McBride, Selectman Patrick Hargreaves and Mr. J.
12 Sistare (Town Manager)
13

14 **CALL TO ORDER**

15 Chairman Barnes began by calling the meeting to order at 7:00 p.m. He joined the Board in the
16 Pledge of Allegiance and introduced members of the Board and town staff.
17

18 **1. Meeting Minutes**

19 **MOTION:** by Selectman Roth

20 *Move to accept the minutes of the Board of Selectmen Regular Meeting on October 5, 2009*

21 **SECOND:** Selectman McBride

22 **VOTE:** 5-0-0
23

24 **2. Chairman Comments**

25 The Chairman made no comments at this time.
26

27 **3. Roux Avenue – Request for Building Permit on Private Way**

28 Mr. Sistare introduced the topic explaining a vote of the Board of Selectmen is required to
29 give authority to issue a building permit for Roux Avenue. He explained this has been in
30 front of the Planning Board who endorsed the request. He introduced Attorney Bernard
31 Campbell who was representing Sally Dunham the owner of 2 Roux Avenue. Attorney
32 Campbell showed the location of the road and the lot on a map stating he had previously
33 come before the Board to request they release their right of public release in respect of Roux
34 Avenue which they had declined. He provided further background information including the
35 fact that the Zoning Board of Adjustment has granted a variance to build on the lot, declaring
36 the owners would have to adhere to RSA 674:41 which requires the governing body of the
37 town to approve a building permit. He confirmed the Planning Board had approved a lot line
38 adjustment and endorsed the issuance of the building permit. He also confirmed the Fire
39 Department had signed off on the sub division process. Responding to Selectman McBride,
40 Attorney Campbell confirmed there will be a 16 foot wide pavement which was added to the
41 plan as required by the Planning Board.
42

43 Mr. Moldoff, Planning Director introduced himself and provided background from the
44 perspective of the town departments. Responding to Selectman McBride, he stated he was
45 unsure whether the address of the house will be Roux Avenue and Attorney Campbell stated

1 the Assessor may call it Roux Avenue, although it is a private way. Selectman McBride
2 stated he wanted to ensure that the town did not end up in the position of having to pave or
3 plow a private street, and there was a brief discussion which included input from Selectman
4 Hargreaves regarding paper streets. Responding to Selectman Roth's concern about a shared
5 driveway with respect to the Fire Department, Mr. Moldoff stated the Fire Department were
6 very aware that it is a private way and they had no issue with it.

7
8 **MOTION:** by Selectman Hargreaves

9 ***Move that the Board of Selectmen does hereby authorize the Town Manager to issue a***
10 ***building permit pursuant to RSA 674:41 for 2 Roux Avenue***

11 **SECOND:** Selectman McBride

12 **VOTE:** 5-0-0

13 **The motion carried unanimously.**

14
15 **4. Eminent Domain Discussion – Lawrence Road Bridge Project**

16 Mr. Sistare explained this was a road issue relating to the Lawrence Road Bridge project and
17 the town has been having difficulty obtaining the rights of way to some of the properties due
18 to the banks of the property owners needing to subrogate the mortgages to a right of way. He
19 stated this is causing a delay due to the requirement that the town have all the rights of way
20 in hand before they can advertise and he wanted to alert the Board that they may have to take
21 the rights of way through eminent domain. Mr. Sistare pointed out there was no need for the
22 Board to take any action but he wanted the Board to be aware of the situation. There was a
23 brief discussion in which Selectman Roth asked if the town could get something in writing
24 from the property owners that they are in favor of the situation in case of a change of
25 ownership later. Chairman Barnes confirmed with Mr. Sistare that half of the area concerned
26 is in the river.

27
28 It was the consensus of the Board to move forward with eminent domain to obtain the rights
29 of way necessary for the project. Selectman Hargreaves stressed for the benefit of the public
30 that the Board is doing this is because the state has mandated that the bridge be wider.

31
32 **5. Accept Streets**

33 Mr. Sistare provided background information, stating he had met with representatives from
34 Community Development, DPW and Engineering to review the unaccepted streets and
35 unaccepted sub division lists. Referring to the report on unaccepted streets dated October 22,
36 2009, he explained the Board was not required to take any action on Adams Avenue as it is a
37 paper street. He confirmed the three other streets outlined in the report which have had
38 sufficient maintenance performed by the town since 1985 to warrant acceptance and these
39 would be considered class 5 streets. Mr. Sistare stated these streets can now be accepted by
40 the Board. He provided a status report on the roads within the Pelletier sub division,
41 recommending the town give the builder notice that these roads need to complete by a
42 determined date such as September 1, 2010 or the town will seek to obtain the surety and
43 complete the work.

44
45 ***Discussion:***

46 Selectman Roth asked who designates a road as a private way as matter of record and how

1 does the Board of Selectmen would create a paper trail when they are approving streets so
2 that there is a good record in town. She also queried whether the Board needs to take
3 additional action with respect to Roux Avenue. There followed a discussion between
4 members of the Board and Chairman Barnes requested that the Town Manager look into this
5 prior to the Board's next discussion on unaccepted streets and provide clarification. There
6 was further discussion for Mr. Sistare's clarification. Mr. Sistare stated it was his goal to
7 have a list of accepted streets at the registry. Selectman Roth stated she was concerned about
8 also having a list of roads which have been designated as private ways and there was a
9 discussion regarding how this information could be posted to ensure private ways are not
10 plowed by the town for the future.

11
12 **MOTION:** Selectman Hargreaves
13 *Anderson St*

14 *I move that the Salem Board of Selectmen does hereby accept Anderson Avenue based*
15 *upon the implied acceptance rule due to sufficient historical evidence of town maintenance*
16 *having been provided on this road since at least 1995. Anderson Avenue is located off*
17 *Shore Drive with a right of way being approximately 474' (feet) in length and 18' (feet) in*
18 *width. No damages are due to abutting property owners based upon a previous dedication*
19 *of the way, as such abutters' property has always been subject to public use, and*
20 *accordingly, no damages would be recoverable in connection with the acceptance.*

21 **SECOND:** Selectman McBride

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

23 **The motion carried unanimously.**

24
25 **MOTION:** Selectman Hargreaves
26 *Aurora Street*

27 *I move that the Salem Board of Selectmen does hereby accept Aurora Street based upon*
28 *the implied acceptance rule due to sufficient historical evidence of town maintenance*
29 *having been provided on this road since at least 1995. Aurora Street is located off North*
30 *Main Street with a right of way being approximately 475' (feet) in length and 13' (feet) in*
31 *width. No damages are due to abutting property owners based upon a previous dedication*
32 *of the way, as such abutters' property has always been subject to public use, and*
33 *accordingly, no damages would be recoverable in connection with the acceptance.*

34 **SECOND:** Selectman McBride

35 **VOTE:** 5-0-0

36 **The motion carried unanimously.**

37
38 **MOTION:** Selectman Hargreaves
39 *Banks Avenue:*

40 *I move that the Salem Board of Selectmen does hereby accept Banks Avenue based upon*
41 *the implied acceptance rule due to sufficient historical evidence of town maintenance*
42 *having been provided on this road since at least 1995. Banks Avenue is located off Mary*
43 *Ann Avenue with a right of way being approximately 797' (feet) in length and 16' (feet) in*
44 *width. No damages are due to abutting property owners based upon a previous dedication*
45 *of the way, as such abutters' property has always been subject to public use, and*
46 *accordingly, no damages would be recoverable in connection with the acceptance.*

1 **SECOND:** Selectman McBride

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

3 **The motion carried unanimously.**

4
5 Selectman McBride requested detailed information on what the developer still has to do on
6 the roads within the Pelletier sub division. He commented on the length of time these roads
7 have remained unfinished. Responding to a query from Selectman Hargreaves, Mr. Sistare
8 agreed to obtain information for the Board on the \$6,000 bond amount.

9
10 Selectman Roth informed the Board that the Planning Board is trying to come up with a
11 policy for consideration by the Board of Selectmen regarding this issue for the future.

12
13 Responding to a suggestion by Selectman Hargreaves that the amount of time provided to the
14 developer to complete the roads within the Pelletier sub division be shortened, Mr. Sistare
15 stated he would obtain the additional information requested by Selectman McBride for
16 discussion at a future meeting. Selectman McBride suggested the town accept Elmwood as it
17 has recently paved it and Mr. Sistare stated he would look to bring it forward for acceptance
18 next week.

19
20 There was a discussion regarding how the town could ensure they do not appropriate funds in
21 future to maintain unaccepted roads.

22
23 **6. Request to Declare November as National Hospice Month**

24 Mr. Sistare explained Chairman Barnes received a letter from Renee Merritt of the Amedisys
25 Hospice, 1a Commons Drive in Londonderry requesting that the town sign a proclamation to
26 declare November National Hospice Month in the town of Salem. She reported that Hospice
27 is the most under utilized Medicare benefit and this action by the town will help to bring
28 visibility to the hospice program. Ms. Merritt pointed to statistics which indicate hospice
29 care prolongs life.

30
31 **Discussion:**

32 Responding to a query from Selectman McBride, Ms. Merritt explained this year her
33 organization is going out to local communities in the area making this request but will be
34 looking to expand this coverage in future years. Responding to a query from Selectman
35 Hargreaves, she explained how the organization will educate communities about hospice
36 care. Selectman Roth spoke in appreciation of what hospice care does.

37
38 **MOTION:** by Selectman Roth

39 *Move that the Salem Board of Selectmen under the direction of the Chairman of the*
40 *Board, Arthur Barnes, declares November National Hospice Month in the town of Salem*

41 **SECOND:** Selectman McBride

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

43 **The motion carried unanimously.**

44
45 **7. Town Manager's Report**

46 Referring to the road work being done near the Lowes project, Mr. Sistare reported the Police

1 Department had been approached by the contractor asking whether the Board still wished the
2 work to be done in the evening as the paving will be done some time in November.

3 Selectman Hargreaves reported that work had started today, commenting on the lack of
4 safety. It was the consensus of the Board that paving should be done at night.

5
6 Referring to existing positions which remain vacant, Mr. Sistare reported the DPW Director,
7 Mr. Russell had requested to fill one Mechanic and one Light Equipment Operator (LEO)
8 position so that the department will be working at full manpower prior to winter operations.

9
10 **MOTION:** by Selectman McBride

11 *Move to authorize the Town Manager to fill the two vacant positions of Mechanic and*
12 *Light Equipment Operator within the Department of Public Works*

13 **Discussion:**

14 There was no second to the motion. Responding to a query from Selectman Hargreaves, Mr.
15 Sistare informed the Board the total cost of these positions would be \$68,000 and \$63,000
16 respectively. There followed a discussion regarding alternatives for temporarily filling the
17 void created by these vacancies and each member of the Board explained their position on
18 filling them at this time. At the request of Selectman McBride, Mr. Sistare provided the
19 Board with information on staffing levels over the last twenty years.

20
21 **MOTION:** by Selectman Lyons

22 *Move to authorize the Town Manager to proceed with hiring within the Department of*
23 *Public Works*

24 **SECOND:** Selectman McBride

25 **VOTE:** 2-3-0 (Selectmen McBride and Lyons voted for the motion)

26 **The motion failed.**

27
28 **MOTION:** by Selectman McBride

29 *Move to hire the mechanic in the Department of Public Works*

30 **SECOND:** Selectman Lyons

31 **Discussion:**

32 Selectman McBride stated he thought this was a critical position. Selectman Roth stated she
33 would like to see evidence of the need for a further mechanic within the department, such as
34 inability to keep up with the work. There followed further discussion.

35 **MOTION:** by Selectman Hargreaves

36 *Move to table action on this matter until further information has been presented to the*
37 *Board*

38 **Discussion:**

39 There was no second to the motion and discussion continued. Selectman McBride pointed
40 out the additional work performed by the mechanics such as plowing, and the amount of
41 equipment they have to maintain. Chairman Barnes referred to an article which provided
42 statistics on the effect of a reduced workforce due to sickness as predicted by the NH
43 Department of Health and Human Services (DHHS), and requested that Human Resources
44 look at sick time usage town wide from November 1, 2008 until April 30, 2009. He further
45 explained he would not support filling both of these positions in case the town might require
46 additional money to cover a larger than usual amount of sick days as predicted by DHHS. It

1 was the consensus of the Board that they would like further information before voting on the
2 hire of additional staff in DPW.

3 **MOTION:** by Selectman Hargreaves

4 *Move to table action on hiring staff within the Department of Public Works until further*
5 *information has been presented to the Board*

6 **SECOND:** Selectman McBride

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

8 **The motion carried unanimously.**

9
10 Chairman Barnes clarified the information the Board required for the next meeting.

11
12 Mr. Sistare confirmed a new total tax rate of \$14.05, stating the Tax Collector was preparing
13 to send out the tax bills. He reported there was paperwork for the Board to sign relating to
14 this.

15
16 Mr. Sistare reported there would be no change to the original cost estimates for the Emerson
17 Way and North Main Street Bridge projects. He also reported the Chairman of the Budget
18 Committee, Mr. Peter Rayno, had proposed a bond to cover the cost of these two bridges.
19 Mr. Sistare further proposed including the cost of the entire Cluff Road project in a bond as
20 the rates are good, and this would help with the impact on the tax rate next year and save
21 money overall. Responding to Selectman McBride, Chairman Barnes provided feedback
22 from the Budget Committee regarding its position on roads. Selectmen McBride and Lyons
23 provided input with respect to their position to support bonding roads and bridges.

24
25 **MOTION:** by Selectman Lyons

26 *Move to authorize the Town Manager to proceed with the paperwork for a bond for the*
27 *bridges at Emerson and North Main streets*

28 **SECOND:** Selectman McBride

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

30 **The motion carried unanimously.**

31
32 Selectmen Lyons and McBride provided further comments on their positions regarding
33 bonding for roads.

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

36 Responding to a query from Selectman McBride on a call he had received about funding
37 from the town for outside health agencies, Town Manager Sistare confirmed what the town's
38 position is on this and that he and Kathy Walton are investigating what avenues are open for
39 Salem residents if they are told by the outside agencies they will no longer service residents
40 from Salem.

41
42 Selectman McBride requested that DPW investigate the intersection at Geremonty and Main
43 Streets as he had received a resident complaint about a lane change.

44
45 Selectman Hargreaves announced the reason that applications for the Holiday Parade have
46 not been mailed, and suggested applicants either collect them or he would e-mail them out.

1 He also confirmed they are still looking for donations for the parade.

2
3 **9. Old Business Tabled/Pending**

4 There was nothing under this agenda item.

5
6 • **Additions and/or Requests by Public or Board by Vote**

7 There was nothing under this agenda item.

8
9 • **Upcoming Meetings**

- 10 ○ November 2, 2009
- 11 ○ November 16, 2009

12
13 **ADJOURN**

14
15 **MOTION:** by Selectman Lyons

16 *Move to adjourn to Non-Public Session under RSA 91-A:3 II (c), Personnel*

17 **SECOND:** Selectman McBride

18 Chairman Barnes polled the Board as follows:

- 19 Selectman Hargreaves – yes
- 20 Selectman McBride – yes
- 21 Selectman Lyons – yes
- 22 Selectman Roth – yes
- 23 Chairman Barnes - yes

24 **The motion carried unanimously.**

25
26 The meeting adjourned at 8:18 p.m.

27
28 Notes/minutes taken by: Sandra Maxwell

29
30 Approved: Board of Selectmen

31
32 Date: December 7, 2009