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**MINUTES OF THE  
BOARD OF SELECTMEN**

**Regular Meeting of  
November 16, 2009**

8 The Board of Selectmen held a meeting on Monday, November 16, 2009 at Salem Town Hall, 33  
9 Geremonty Drive, Salem, NH.

10  
11 **PRESENT:** Chairman Arthur E. Barnes III, Vice-Chairman Michael J. Lyons, Selectman  
12 Everett P. McBride, Selectman Patrick Hargreaves and Mr. Henry E. LaBranche (Acting Town  
13 Manager)

14  
15 **ABSENT:** Secretary Elizabeth A. Roth

16  
17 **CALL TO ORDER**

18 Chairman Barnes began by calling the meeting to order at 7:00 p.m. He joined the Board in the  
19 Pledge of Allegiance and introduced the Board members and town staff. He then declared the  
20 public hearing open, closing it until they discuss item two on the agenda.

21  
22 **1. Meeting Minutes**

23 **MOTION:** by Selectman Lyons

24 *Move to accept the minutes of the Board of Selectmen Budget Review meeting on*  
25 *September 21, 2009 as written*

26 **SECOND:** Selectman McBride

27 **VOTE:** 3-0-1 (Chairman Barnes abstained)

28 **The motion carried.**

29  
30 **2. Public Hearing – Accept Donation for Council on Aging**

31 Dr. LaBranche introduced the item, explaining the purpose of the public hearing. He  
32 explained the check would be used towards payment for services rendered by subcontractors  
33 involved in the construction of the addition at the Senior Center, stating that Ms. Drelick has  
34 provided information regarding outstanding balances owed to subcontractors in the amount  
35 of \$22,875 which have been confirmed by Finance Department.

36  
37 Ms. P. Drelick, Director of Senior Services introduced herself and provided an update on  
38 additional activities the extension has enabled the Senior Center to have. There being no  
39 further input Chairman Barnes closed the public hearing at 7:05 p.m.

40  
41 **MOTION:** by Selectman McBride

42 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby*  
43 *accept a donation in the amount of \$25,000 from the Salem Council on Aging to be used*  
44 *to make payments to the subcontractors of the Ingram Senior Center.*

45 **SECOND:** Selectman Hargreaves

46 Selectman Hargreaves thanked Ms. Drelick and the Council on Aging for all their work.

1 **VOTE:** 4-0-0

2 **The motion carried unanimously.**

3  
4 **3. Salem Housing Authority – Receive P.I.L.O.T. Payment**

5 Dr. LaBranche introduced the item, explaining the Salem Housing Authority wished to  
6 present a check to the Board in lieu of taxes and handed over to Diane Kiersted of the  
7 Housing Authority who handed out summary information on financial contributions made  
8 by housing authority to the town. She explained the money comes from rents in the public  
9 housing program.

10  
11 **MOTION:** by Selectman McBride

12 *Move that the Salem Board of Selectmen does hereby accept a check from the Salem*  
13 *Housing Authority in the amount of 46,996.85 which represents their 2009 Payment in*  
14 *Lieu of Taxes.*

15 **SECOND:** Selectman Hargreaves

16 Selectman McBride requested that Ms. Kiersted find out what it would cost to put generators  
17 into all of the Housing Authority's facilities, stating the Board would be willing to give  
18 some of the pilot money back to assist with this project. He stated this would make  
19 residents self sufficient and asked that the Housing Authority think about this project when  
20 doing their capital plan.

21 **VOTE:** 4-0-0

22 **The motion carried unanimously.**

23  
24 **4. Fire Department – Accept Donation of \$2,000 from Exchange Club for Conversion of**  
25 **Safety Trailer into Training Facility**

26 Dr. LaBranche introduced the item, reporting the check from the Exchange Club is for  
27 continued rehabilitation of the Fire Department trailer to a safety training facility. He  
28 handed over to Chief Breen who reported the Exchange Club had already donated \$5,000.  
29 He explained in detail what they are doing with the trailer, what work has been performed  
30 on this to date, and stated they expect to complete the work in the spring.

31 **MOTION:** by Selectman McBride

32 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby*  
33 *accept a donation from the Salem Exchange Club in the amount of \$2,000.00 to be*  
34 *utilized by the Fire Department to convert a fire safety trailer to a training facility for*  
35 *firefighters.*

36 **SECOND:** Selectman Hargreaves

37 Selectman McBride thanked the Exchange Club and the Chief explained the Club has  
38 donated all the work and it has been completely funded by them. Selectman McBride  
39 pointed out the trailer will allow the department to reduce their training budget. Selectman  
40 Hargreaves made a statement regarding what the Club does and how they raise money.

41 **VOTE:** 4-0-0

42 **The motion carried unanimously.**

43  
44 **5. Sitework Consultants – SMC 253 Waiver Request**

45 Dr. LaBranche introduced the item and handed over to Mr. Lockard, Health Director. Mr.  
46 Lockard referred to his memo of recommendation which was included in the Board's

1 packet. He provided a statement, stating the work being done is an update of an old system  
2 to meet code requirements and the waiver is required because the required setback from the  
3 well cannot be met.  
4

5 ***Discussion:***

6 Responding to Selectman McBride, Mr. Lockard reported the new system is an Eljen in-  
7 drain system which although not in the same category as a clean solution system does  
8 provide more treatment than a traditional one. Selectman Hargreaves asked what the  
9 shortest setbacks should be, and Mr. Lockard explained the town already has small lots  
10 which have existing septic systems and they are asking homeowners to come up with the  
11 best system possible. Selectman Hargreaves asked Dr. LaBranche to obtain a legal opinion  
12 regarding whether the town can refuse to allow people to install these if it is new house  
13 rather than an existing property on a small lot. Mr. Joseph Chamberlain of Sitework  
14 Consultants introduced himself and explained that homeowners must sign a 'well release'  
15 which lives with the deed until town water is provided. He further explained the decision  
16 whether an individual should be allowed to build on the lot is the responsibility of the  
17 Zoning Board of Adjustment, and that the rules were written in the 1960's and new  
18 technology has changed the need for them. Selectman McBride suggested that if Mr.  
19 Lockard thinks there is a better system which the town should mandate, he should  
20 recommend this to the Board.  
21

22 **MOTION:** by Selectman Lyons

23 *Move in accordance with SMC Chapter 253-14 (Waiver) to grant the request of Jeanne*  
24 *Derba, 9 Cove Road Extension, for a waiver of the provisions of Salem Municipal Code*  
25 *Chapter 253, Section 6 to allow the leach field to be within 43 feet from the well, where 75*  
26 *feet is required; and to allow the septic tank to be within 38 feet of the well where 75 feet*  
27 *is required, and further, if connection to public sewer becomes available to the property at*  
28 *a future date, no waivers will be given and the property owner must connect to the system,*  
29 *such waiver is conditional upon the property owner receiving a well release from the State*  
30 *of New Hampshire.*

31 **SECOND:** Selectman McBride

32 **VOTE:** 4-0-0

33 **The motion carried unanimously.**  
34

35 **6. Update on Muni-Smart**

36 Dr. LaBranche introduced the item explaining the utility system is one of the primary  
37 problems for the delay in the completion of the system and handed over to Ms. Crescenzi  
38 who provided a brief overview of the progress to date.  
39

40 ***Discussion:***

41 Responding to a query from Selectman McBride, Ms. Crescenzi explained there are a few  
42 instances where the modifications requested by the town are unique and the company has  
43 requested more money for these, although the town has not necessarily agreed to this. She  
44 explained it is difficult to provide a hard and fast date for completion of the work, and  
45 Selectman McBride requested a monthly update for the Board. Responding to Selectman  
46 Hargreaves, Ms. Crescenzi explained what support had been agreed upon and that she was

1 satisfied with the level being provided. She also explained for Selectman Hargreaves about  
2 permissions and that the information Selectman Hargreaves had referred to in his query  
3 resided on the AS400 for which there is only one programmer. She also explained how the  
4 IT Department handles changes in staff with regard to their access to the system.

5  
6 Selectman Lyons clarified there are still issues with utility billing, and Ms. Crescenzi  
7 confirmed this is the primary issue they need to resolve. She offered to provide the Board  
8 with a schedule of when fixes are due and when they will attempt to go live.

9  
10 Chairman Barnes talked about their dilemma regarding water issues which the DES has said  
11 must be addressed and which the town has put on hold. He also talked about the decision of  
12 the Board to provide a tiered water system which the Board has held off on, explaining the  
13 deadline for these items has now passed. He stated he would like utility billing to be the  
14 major thrust so that the town can come into compliance with the DES.

15  
16 Selectman Lyons requested an estimated completion date for the customized items the town  
17 has requested. Selectman McBride stated he would be willing to discuss making policy  
18 changes within the town if there is a better way to do things, and following further  
19 discussion this was also the consensus of the Board.

## 20 21 7. Accept Streets

22 Dr. LaBranche introduced the item, reminding the Board this was part of their campaign to  
23 accept unaccepted streets. He proceeded to review the streets from Mr. Sistare's schedule to  
24 be dealt with at this meeting, referring to the report in the Board's packets. Selectman  
25 Hargreaves asked about intersections and Stanwood which is not complete. He stated he  
26 would like to ensure Stanwood is completed if it comes before the Board.

### 27 28 Dawn Street:

29 **MOTION:** by Selectman Lyons

30 *I move that the Salem Board of Selectmen does hereby accept Dawn Street based upon the*  
31 *implied acceptance rule due to sufficient historical evidence of town maintenance having*  
32 *been provided on this road since at least 1995. Dawn Street is located off Bridge Street &*  
33 *Stanwood Road with a right of way being approximately 1,067' (feet) in length and 21'*  
34 *(feet) in width. No damages are due to abutting property owners based upon a previous*  
35 *dedication of the way, as such abutters' property has always been subject to public use,*  
36 *and accordingly, no damages would be recoverable in connection with the acceptance.*

37 **SECOND:** Selectman McBride

38 **VOTE:** 4-0-0

39 **The motion carried unanimously.**

### 40 41 Dewey Street:

42 **MOTION:** by Selectman McBride

43 *I move that the Salem Board of Selectmen does hereby accept Dewey Street based upon*  
44 *the implied acceptance rule due to sufficient historical evidence of town maintenance*  
45 *having been provided on this road since at least 1995. Dewey Street is located off Dyer*  
46 *Avenue with a right of way being approximately 111' (feet) in length and 20' (feet) in*

1 *width. No damages are due to abutting property owners based upon a previous dedication*  
2 *of the way, as such abutters' property has always been subject to public use, and*  
3 *accordingly, no damages would be recoverable in connection with the acceptance.*

4 **SECOND:** Selectman Hargreaves

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

6 **The motion carried unanimously.**

7  
8 **Dexter Road:**

9 **MOTION:** by Selectman Hargreaves

10 *I move that the Salem Board of Selectmen does hereby accept Dexter Road based upon*  
11 *the implied acceptance rule due to sufficient historical evidence of town maintenance*  
12 *having been provided on this road since at least 1995. Dexter Road is located off*  
13 *Lawrence Road with a right of way being approximately 407' (feet) in length and 18'*  
14 *(feet) in width. No damages are due to abutting property owners based upon a previous*  
15 *dedication of the way, as such abutters' property has always been subject to public use,*  
16 *and accordingly, no damages would be recoverable in connection with the acceptance.*

17 **SECOND:** Selectman McBride

18 **VOTE:** 4-0-0

19 **The motion carried unanimously.**

20  
21 Chairman Barnes handed over the chair to Selectman Lyons.

22  
23 **Dexter Terrace:**

24 **MOTION:** by Chairman Barnes

25 *I move that the Salem Board of Selectmen does hereby accept Dexter Terrace based upon*  
26 *the implied acceptance rule due to sufficient historical evidence of town maintenance*  
27 *having been provided on this road since at least 1995. Dexter Terrace is located off Clark*  
28 *Avenue with a right of way being approximately 279' (feet) in length and 16' (feet) in*  
29 *width. No damages are due to abutting property owners based upon a previous dedication*  
30 *of the way, as such abutters' property has always been subject to public use, and*  
31 *accordingly, no damages would be recoverable in connection with the acceptance.*

32 **SECOND:** Selectman Hargreaves

33 **VOTE:** 4-0-0

34 **The motion carried unanimously.**

35  
36 Selectman Lyons handed back the chair of the meeting to Chairman Barnes.

37  
38 **Diorio Road:**

39 **MOTION:** by Selectman Lyons

40 *I move that the Salem Board of Selectmen does hereby accept Diorio Road based upon the*  
41 *implied acceptance rule due to sufficient historical evidence of town maintenance having*  
42 *been provided on this road since at least 1995. Diorio Road is located off Ford Avenue &*  
43 *Shore Drive with a right of way being approximately 224' (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:** 4-0-0

3       **The motion carried unanimously.**

4  
5       **Castle Ridge Road:**

6       **MOTION:** by Selectman McBride

7       *I move that the Salem Board of Selectmen does hereby accept Castle Ridge Road based*  
8       *upon the implied acceptance rule due to sufficient historical evidence of town*  
9       *maintenance having been provided on this road since at least 2003. Castle Ridge Road is*  
10       *located off Lawrence Road and Braemoor Woods Road with a right of way being*  
11       *approximately 1,058' (feet) in length and 26' (feet) in width. No damages are due to*  
12       *abutting property owners based upon a previous dedication of the way, as such abutters'*  
13       *property has always been subject to public use, and accordingly, no damages would be*  
14       *recoverable in connection with the acceptance.*

15       **SECOND:** Selectman Hargreaves

16       **VOTE:** 4-0-0

17       **The motion carried unanimously.**

18  
19       **8. 2010 Budget Update**

20       Dr. LaBranche reported there were spreadsheets in the Boards packets which detailed the  
21       final votes of the Budget Committee on the Operating Budget and he had provided the  
22       Board with a summary report on the major areas of reduction. He confirmed a proposed tax  
23       rate based on these changes of \$5.19, and that there were \$10 million in warrant articles. He  
24       requested direction from the Board regarding whether any of these items were worthy of  
25       reconsideration in anticipation of the Board's December meetings.

26  
27       **Discussion:**

28       Selectman McBride confirmed the rate of \$5.19 included warrant articles that the Board  
29       originally moved forward. Ms. Savastano pointed out the COPS grant had no impact on the  
30       rate. Selectman McBride confirmed that they will move forward and accept the COPS grant  
31       if it is received before the end of December as this was approved by the voters. He stated he  
32       would be willing to reconsider the three positions which were cut if the department heads  
33       provided further justification for them.

34  
35       Selectman Hargreaves suggested leaving things as they are to let the town vote on them, and  
36       pointed out things can be added at the next town meeting. Chairman Barnes clarified  
37       Selectman Hargreaves was talking about the 2010 town meeting, stating the Board cannot  
38       amend the Budget Committee's budget.

39  
40       Selectman Lyons clarified final votes will take place on December 7<sup>th</sup> and suggested they  
41       take everything up on that date when there will be a full complement of the Board.

42  
43       Responding to queries from Selectman Hargreaves, Dr. LaBranche confirmed the Code  
44       Enforcement Officer is a member of the SEA and he would review his employment  
45       agreement if the town does not support this position.

1 Chairman Barnes stated he would like to have understanding what the cuts will mean to the  
2 operation of the town. Dr. LaBranche explained he has asked department heads to provide  
3 information on the overall impact.  
4

5 Selectman Hargreaves clarified the Board of Selectmen cut the meter reduction from the  
6 Water budget and put it in a bond warrant article instead. Dr. LaBranche voiced his  
7 concerns about the impact if the bond articles do not pass and asked what the Board's  
8 strategy would be if this occurred. Selectman McBride suggested the Board should commit  
9 to continuing support for the leases for the DPW vehicles.  
10

11 Dr. LaBranche informed the Board that staff will prepare a plan for the Board to discuss on  
12 the December 7, 2009.  
13

#### 14 **9. Town Manager's Report**

##### 15 *a) Lowes*

16 Dr. LaBranche confirmed the paving should be completed this week and the contractor  
17 has committed to performing the work at night.  
18

##### 19 *b) Cluff Crossing Bridge*

20 Dr. LaBranche confirmed the bridge opened this afternoon and that he would get staff to  
21 organize a ribbon cutting ceremony.  
22

##### 23 *c) Naming of Cross Street Bridge*

24 Dr. LaBranche confirmed this has been taken care of.  
25

26 Dr. LaBranche announced the Annual Meeting of the NHMA will be held on Thursday,  
27 November 19, 2009 at 1:30 p.m. and the tree lighting ceremony on December 3, 2009.  
28

#### 29 **10. Old Business Tabled/Pending** 30

#### 31 **11. Selectmen Reports/Correspondence**

32 Selectman Hargreaves reported there were wooden boxes and guard rail pieces in the river at  
33 Cluff Crossing Bridge, going towards mall and Dr. LaBranche confirmed he would arrange  
34 removal of these.  
35

36 Selectman Hargreaves stated he would like to ensure the Planning Board's plans for the  
37 Lowes project are being adhered to.  
38

39 Selectman Hargreaves also requested that concrete slabs in the middle of the road to be  
40 removed before the snow for safety reasons.  
41

42 Selectman Hargreaves announced the Holiday Parade Committee had raised \$9,000 in three  
43 weeks. He extended an invitation to the Board and Dr. LaBranche to participate in the  
44 parade which would take place on November 29, 2009 at 1:00 p.m. and he also put out a call  
45 for further donations.  
46

1 Selectman Hargreaves announced the Field of Dreams fall cleanup would take place on  
2 Saturday and put out a call for volunteers.

3  
4 Chairman Barnes stated he would call members of the Board if there is a need for an  
5 additional meeting in December.

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

8  
9 • **Upcoming Meetings**

- 10 ○ December 7, 2009
- 11 ○ December 14, 2009

12  
13 • **Upcoming Events**

- 14 ○ December 3, 2009 at 6:30 p.m., Veterans Common - Annual Christmas Tree Lighting  
15 ceremony(Salem Lions Club)

16  
17 **ADJOURN**

18 **MOTION:** by

19 ***Move to adjourn***

20 **SECOND:** Selectman McBride

21  
22 **VOTE:** 4-0-0

23  
24 The meeting adjourned at 8:27 p.m.

25  
26  
27  
28 Notes/minutes taken by: Sandra Maxwell

29  
30 Approved: Board of Selectmen

31  
32 Date: January 4, 2010