MINUTES OF THE
BOARD OF SELECTMEN

Regular Meeting of
March 30, 2017

The Board of Selectmen held a meeting on Thursday, March 30, 2017 at Salem Town Hall, 33 Geremonty Drive, Salem, NH.


ABSENT: None

CALL TO ORDER:
Chairman Keller began by calling the meeting to order at 7:09 p.m. He joined the Board in the Pledge of Allegiance.

1. Meeting Minutes:
MOTION: by Selectman Lyons
Move to approve the sealed Board of Selectmen Meeting Non-Public Session #1 Minutes from March 6, 2017 as written.
SECOND: by Selectman McBride
VOTE: 4-0-1
The motion passed with Selectman Azarian abstaining.

MOTION: by Selectman Lyons
Move to approve the sealed Board of Selectmen Meeting Non-Public Session #2 Minutes from March 6, 2017 as written.
SECOND: by Selectman McBride
VOTE: 4-0-1
The motion passed with Selectman Azarian abstaining.

MOTION: by Selectman Lyons
Move to approve the Board of Selectmen Meeting Minutes from March 6, 2017 as written.
SECOND: by Selectman McBride
VOTE: 4-0-1
The motion passed with Selectman Azarian abstaining.

2. Chairman Comments:
Chairman Keller stated that they appreciated everyone who came out to vote. He said thank you to the voters for supporting the Town’s ballot initiatives including the Road Program, the Operating Budget, and the Depot Project. He stated that the Board took up the Town Manager’s performance review earlier and delivered that review and the Board agreed on a salary increase for the Town Manager.
MOTION: by Selectman McBride
Move to authorize a 1.75% salary increase for the Town Manager effective with the first payroll in April 2017.
SECOND: by Selectwoman Withrow

Chairman Keller stated that the Board was pleased with Leon Goodwin III’s performance. He had to rebuild his leadership team since taking over and dealing with a number of unanticipated matters. They looked forward to working with Manager Goodwin in the future. Thank you for everything he was doing for the community.

Manager Goodwin stated it had been his pleasure working with the Board. He stated thank you for the kind words and the salary increase.

VOTE: 5-0

3. Municipal Services – Discuss Access Easement Agreement for 14 Garabedian Drive
Manager Goodwin stated that they had been working with Attorney Bernard Campbell on this matter. Attorney Campbell came and met with the Town on behalf of the owners about conveying a non-exclusive easement to 14 Garabedian Drive. Manager Goodwin showed where the right-of-way was on the map. There was a dirt access way that currently extended across the railroad tracks in that location. There was one easement in the area already. The Town, MHF Design, David Jordan, and Attorney Campbell had worked up a potential agreement. They wanted to bring it to the Board of Selectmen for their opinion before sending it to legal review. It would require two public hearings and a vote because it was a transfer of ownership in the land.

Chairman Keller stated that he wanted to clarify that they were seeking an access easement.

Manager Goodwin answered yes. The property currently had a driveway on one side of the building that accessed the parking in the back. They were looking for access on the other side so that traffic could go around the building instead. The owners would have to make improvements including paving and creating a two way road.

Selectman Azarian asked if the fact that it would be nonexclusive meant that anyone could use it.

Manager Goodwin answered yes that was correct.

Selectman Azarian asked if the access way would have to be built to Town standards.

Manager Goodwin answered yes.

Selectman Azarian stated that he had a concern about using it as a cut-through just like the road over by Tuscan Kitchen is used. There could be an issue there. He asked about the access from Route 28.

Manager Goodwin stated that this was not intended as an access way from Route 28.
Selectman Azarian asked if they were just going to improve the shaded area on the map.

Manager Goodwin answered yes.

Selectman Azarian asked who would have the responsibility to maintain the pavement on the easement.

Manager Goodwin answered that it would be the responsibility of 14 Garabedian Drive.

Selectwoman Withrow stated that the land is part of the old WWTP parcel. She stated that she wanted to see what EDAC came up with for the area first before they gave it away or sold it.

Manager Goodwin stated that because of existing easements, the Town could not do much with the land where the easement would be. They could discuss the issue with EDAC.

Selectwoman Withrow stated that the land was discussed as a connection for parking for the Rail Trail.

Selectman Azarian stated that the non-exclusivity of the easement would allow the Town to use it in the future. Using for future development would be different than using it for parking though. They needed to get a defined usage for that area.

Manager Goodwin stated that they would want to take a closer look at the parcel. The existing easement for the back parcel might not allow parking. They would look at the language.

Selectwoman Withrow stated that she would like to look at it further as well.

Selectman McBride asked where on the WWTP parcel this area was.

Manager Goodwin showed the location on the map. The access to the plant was on SARL Drive.

Selectman McBride stated that this easement would not affect that redevelopment.

Manager Goodwin showed the access.

Selectman McBride stated that parking for the Rail Trail should be in the SARL Drive area. Parking away from the Rail Trail would not make a big difference to the trail users.

Chairman Keller asked when EDAC would have a preliminary idea of what they want to do with the WWTP parcel.

Selectwoman Withrow stated that it would be later this year.

Chairman Keller stated that his other concern was given the cut through that had been subject to a number of lawsuits. He did not want to create an access path here where rights happened and since they were close to an access way to Broadway, one would be created that did not currently
exist. He wanted the agreement to clearly state that this would not create an access way or mechanism to get to Broadway.

Selectman Azarian stated that if they had an opportunity to get it to work for the Town’s benefit then maybe they should consider it. He knew that they had to aware with how they approached the agreement because of historical issues but they should keep the option open. At some point in the future they may want to revisit it.

Chairman Keller asked if the guidance from the Board was to get input from EDAC.

Selectman McBride stated that that was fine but they had to understand they could not obstruct the access way that was already there.

Chairman Keller stated that Selectwoman Withrow and Manager Goodwin could work on the information so that EDAC can look at it and make a recommendation based on what could be done there.

Selectman Azarian stated that he would like to get information from Attorney Campbell about where they want to go with that. He asked about the price of the easement.

Manager Goodwin stated that it would be a one-time payment to purchase the easement. It would be a low end value because it was non-exclusive and they would be making significant improvements there. They were talking somewhere in the $500,000 range.

Selectman Lyons asked about the situation with the monitoring wells.

Mr. Roy Sorenson, Municipal Services Director, stated that the clean-up was ongoing at the old WWTP. Demolition of the buildings would happen in three or four weeks. He would come back when it was closer to happening with an update. He showed the contaminated soils area. GZA was working on an estimate of the clean-up costs for removing that soil.

Selectman Lyons asked about how the monitoring worked. Was it a consultant who did the work and Mr. Sorenson signed off on the data?

Mr. Sorenson answered yes. The monitoring will need to be done for a while.

Selectman Lyons asked how it worked.

Mr. Sorenson stated that he has to review the data and sign off on it. It was part of the permit.

4. Municipal Services – Authorize Transfer of Funds for 2017 Road Program

Manager Goodwin stated that this was an annual event. The Road Stabilization Committee will start meeting soon to propose a Road Program for next year. The Warrant Article this year was about $3.7 million and with the money in the fund already, the total Program budget was a little over $4.7 million. They were asking for authorization to transfer and expend the money based on the bids that were received for the work.
MOTION: by Selectman Lyons  
*Move that the Board of Selectmen as agents to expend the Salem Roadway Improvements Capital Reserve Fund, hereby authorizes up to $4,765,332 to be disbursed for the 2017 road Construction and Engineering Program*  
SECOND: by Selectman McBride  
Selectman Lyons stated that they received a donation of several old Town Reports for the Historical Society. He stated that the Road Program in 1944 was $5,000.  
VOTE: 5-0

Chairman Keller stated thank you.

5. **Municipal Services – Discuss Proposed Amendment to Salem Municipal Code**  
   **Chapter 477 (Water Code) Requiring Wells for Irrigation Systems for Commercial Properties**  
Chairman Keller stated that current regulations did not require commercial entities to have wells for irrigation. The Planning Board had requested that happen when reviewing commercial plans. He had asked to codify the requirement in the Town regulations so that it did not fall on a member of the Planning Board having to remember to require that when issuing approvals. This was an effort to do that.

Manager Goodwin stated that this was changes to effect that in the Municipal Code along with small changes like changing references to Municipal Services from Public Works.

Selectman Azarian asked if it will be amended to require this within certain zones or if it was something that happened during the Planning Board process.

Manager Goodwin stated that it would during the project development process. This was a change to the Water Utilities Code. He explained that they would be adjusting their planning forms to make it clear that this was part of the requirements when applicants came in.

Selectman Azarian asked if it would be an either/or rather than a hard requirement.

Manager Goodwin stated that it would be a hard requirement for new development.

MOTION: by Selectman McBride  
*Move that the Board of Selectmen supports the amendment to Salem Municipal Code Chapter 477 to require commercial properties to install wells for irrigation systems when connecting to municipal water and further to schedule the first public hearing on the amendment for April 10, 2017.*  
SECOND: by Selectwoman Withrow  
Selectman Azarian stated that requirements like this were prudent to conserve water usage so he would support it.  
VOTE: 5-0
Selectman McBride asked about the manholes on Route 28.

Mr. Sorenson stated that they will be working on it once it stops snowing. Some will be cleaned up by the new development.

Selectman McBride asked about historical information on consumption, rainfall, and lake levels.

Mr. Sorenson stated that yes he would have that information for the next month.

6. Town Manager’s Report/Questions from Board of Selectmen
Manager Goodwin stated that they were reviewing the open positions for Boards and Committees. They had a call for candidates. They will be setting up interviews with the Board next month. There was also a call for CART candidates. He also noted that the requests for Lancaster Funds would be happening soon. The application period would open up on April 12.

Chairman Keller stated that if you were a local nonprofit and had a program that would benefit the community then the nonprofit could apply for funding. The funds were not for operating expenses. They were one-time grants. The funds might help get new programs started at local nonprofits.

Manager Goodwin stated that money was available from the Fund and they wanted to encourage usage of the money.

7. Old Business/Tabled and Pending
None.

8. Additions and/or Requests by Public or Board by Vote:
None.

9. Board Organizational Meeting
- Elect Officers
- Discuss Selectmen appointments to boards & committees
- Review Board of Selectmen Bylaws/Non-Public Guidelines

Chairman Keller stated that the next item of business was the election of officers for the coming year.

MOTION: by Selectwoman Withrow
Move to appoint Selectman Lyons as Chairman, Selectman McBride as the Vice-Chairman, and Selectwoman Withrow as the Secretary for the Board of Selectmen.
SECOND: by Selectman McBride

Chairman Keller stated thank you to everyone for having confidence in him being able to conduct the Town’s business. It had not been the easiest time in the past twelve months but they had gotten a lot done.
Selectman Lyons stated that he wanted to echo those comments and Chairman Keller had worked very hard. He appreciated that work.

Chairman Keller stated thank you.

Selectman Azarian stated that Chairman Keller had taken the Town through a difficult time in the past year and steadied the ship.

VOTE: 5-0

Chairman Lyons asked if everyone could submit their information on the appointments they wished to have. He would make appointments and then ratify those appointments at the next meeting. That way people could get to their committees.

10. Upcoming Meetings
   - April 10, 2017
   - April 17, 2017
   - April 24, 2017

ADJOURNMENT AT 7:44 P.M.
MOTION: by Selectman Keller
Move to adjourn at 7:44 PM.
SECOND: Selectman McBride
VOTE: 5-0-0
The motion passed.

Notes/minutes taken by: Jeremiah Lamson
Approved: Board of Selectmen
Date Approved: April 10, 2017