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**MINUTES OF THE
BOARD OF SELECTMEN**

January 25, 2010

6 The Board of Selectmen held a meeting on Monday, January 25, 2010 at Salem Town Hall, 33
7 Geremonty Drive, Salem, NH.

8
9 **PRESENT:** Chairman Arthur E. Barnes III, Vice-Chairman Michael J. Lyons, Secretary
10 Elizabeth A. Roth Selectman Everett P. McBride, Selectman Patrick Hargreaves and Dr.
11 LaBranche (Acting Town Manager).

12
13 **CALL TO ORDER**

14 **Interview Session**

15 The meeting was called to order at 6:48 p.m. in the first floor conference room for the purpose of
16 interviewing Mr. P. Santarelli who had applied for a full time vacancy on the Recreation
17 Advisory Committee. Mr. Santarelli explained why he wanted to serve on the Committee and
18 outlined the kind of programs he would like to promote, informing the Board of his ideas. He
19 also gave details of other recreational programs he has had experience with.

20
21 There being no questions from members of the Board, Chairman Barnes thanked Mr. Santarelli
22 stating he would be informed of the Board's decision.

23
24 **MOTION:** by Selectman McBride

25 *Move to appoint Mr. P. Santarelli as a full time member of the Recreation Advisory Committee*
26 *for the term the vacancy represents*

27 **SECOND:** Selectman Hargreaves

28 **VOTE:** 5-0-0

29 **The motion carried unanimously.**

30
31 The Board recessed to the Knightly Room at 6:52 p.m. to continue with their regular meeting.

32
33 **Regular Meeting**

34 Chairman Barnes reconvened the meeting at 7:00 p.m., joining the Board in the Pledge of
35 Allegiance. He then introduced members of the Board and Town staff.

36
37 **1. Chairman Comments**

38 Chairman Barnes announced the appointment of Mr. P. Santorelli to the Recreation
39 Advisory Committee.

40
41 **2. Meeting Minutes**

42 **MOTION:** by Selectman Roth

43 *Move to accept the minutes of the Board of Selectmen Regular Meeting of January 4,*
44 *2010 as written*

45 **SECOND:** Selectman McBride

46 **VOTE:** 5-0-0

1 **The motion carried unanimously.**

2 **MOTION:** by Selectman Roth

3 *Move to accept the minutes of the Board of Selectmen Regular Meeting and Public*
4 *Hearing of January 11, 2010 as written*

5 **SECOND:** Selectman McBride

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

7 **The motion carried unanimously.**

8
9 **3. Discussion on Request to Purchase Town Owned Land – Clay Avenue**

10 Dr. LaBranche introduced the item, explaining the matter had been bought before the Board
11 by D Demers last year and referred to the minutes of August 24, 2009 which were included
12 in the Board's packet. He provided some historical information on the issue, explaining the
13 Board had requested the Town Manager to investigate whether a covenant might be possible
14 but he had no information on the feasibility of a covenant at this time. He reminded the
15 Board that Mrs. Carver had attended a previous meeting raising her concerns about the sale.
16 Dr. LaBranche then explained how the Board could move forward on the matter and
17 provided dates for the required public hearings (February 8 and 22 with the final vote on the
18 sale of land taking place on March 1, 2010).

19
20 *Discussion:*

21 **MOTION:** by Selectman McBride

22 *Move to take the matter of the sale of Clay Avenue off the table for discussion*

23 **SECOND:** Selectman Lyons

24 **VOTE:** 4-0-0 (Selectman Hargreaves did not participate in the vote)

25 **The motion carried unanimously.**

26 Making a point of order, Selectman Lyons asked whether Selectman Hargreaves was still
27 representing the buyers and Selectman Hargreaves confirmed he would not participate in
28 voting or any discussion moving forward.

29
30 Selectman McBride stated it was his opinion the town should not sell the property due to the
31 possibility of using the site for a future pump station and he stated his position on obtaining
32 sewer for the area.

33
34 Responding to a query from Selectman Lyons, Dr. LaBranche confirmed the applicants had
35 been notified the Board would be taking the matter up. He suggested moving forward with
36 the plan to receive input at the public hearings and for the Board to vote on March 1. He
37 also informed the Board he had met with Mr. and Mrs. Carver to discuss their concerns.
38 Chairman Barnes handed over the chair of the meeting to Selectman Lyons.

39
40 **MOTION:** by Chairman Barnes

41 *That the Board of Selectmen does hereby move forward to a public hearing on February*
42 *8, 2010 to begin the process of making a determination as to whether the Town should sell*
43 *the land under discussion*

44 **SECOND:** Selectman Roth

45 *Discussion:*

1 Chairman Barnes stated it was his opinion the Board should follow the Town Manager's
2 recommendation to go through the process as proposed. Selectman Roth pointed out she
3 agreed with Selectman McBride on the importance of the town having access to the land,
4 stating she will have to be persuaded the land will not have to be accessible to the town for
5 the future. She stated the Board owe it to the applicant however to hold the public hearings.
6 **VOTE:** 3-1-0 (Selectman McBride opposed the motion and Selectman Hargreaves did not
7 participate in the vote).

8
9 Chairman Barnes stressed that his vote was not to be taken as a predisposition to sell the
10 property. Selectman Lyons handed back chair of the meeting to Chairman Barnes.
11 Chairman Barnes gave notice to interested parties that there would be a public hearing on
12 February 8th to receive public input to the future of this piece of land. Dr. LaBranche stated
13 he would follow up regarding information on the covenant in anticipation of the public
14 hearings.

15
16 **4. Request for Waiver of SMC 253 – Sewage Disposal Systems and Wells**

17 Dr. LaBranche introduced the item and provided the Board with an overview of the
18 materials included in the Board's packet.

19
20 Mr. B. Lockard, Health Officer, introduced himself stating this was a replacement of an old
21 existing system. He reported the existing tank will remain and it is the tank which does not
22 meet the required setbacks. He explained the owners will be adding a new pump chamber
23 and a new leach field, and it is an Enviro system which provides additional treatment. Mr.
24 Lockard stated he recommends approval of the waiver request.

25
26 **Discussion:**

27 Responding to a query from Selectman McBride as to whether the homeowners have the
28 approval of abutters, Mr. Lockard explained the owners will be required to obtain a well
29 release from the state.

30
31 **MOTION:** by Selectman McBride

32 *Move in accordance with SMC Chapter 253-14 (Waiver) to grant the request of Kalley*
33 *Cutler and Ronald Allen of 9 James Street for a waiver of the provisions of Salem*
34 *Municipal Code Chapter 253, Section 6 to allow the septic tank to be within 59 feet from*
35 *the onside well where 75 feet is required; and to allow the septic tank to be within 71 feet*
36 *of the offsite well where 75 feet is required, and further, if connection to public sewer*
37 *becomes available to the property at a future date, no waivers will be given and the*
38 *property owner must connect to the system, such waiver is conditional upon the property*
39 *owner receiving a well release from the State of New Hampshire*

40 **SECOND:** Selectman Hargreaves

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

42 **The motion carried unanimously.**

1 **5. Accept Streets**

2 Dr. LaBranche introduced the item, stating there were three streets for acceptance before the
3 Board. He reported there was information in the backup material as to why staff is not
4 recommending Keefe Avenue, Larrabee Circle and Wesley Lane.

5
6 **Julie Avenue:**

7 **MOTION:** by Selectman McBride

8 *I move that the Salem Board of Selectmen does hereby accept Julie Avenue based upon*
9 *the implied acceptance rule due to sufficient historical evidence of town maintenance*
10 *having been provided on this road. Julie Avenue is located off Arlington Shore and*
11 *Fenton Road with a roadway being approximately 852' (feet) in length and 19' (feet) in*
12 *width. No damages are due to abutting property owners based upon a previous dedication*
13 *of the way, as such abutters' property has always been subject to public use, and*
14 *accordingly, no damages would be recoverable with the acceptance*

15 **SECOND:** Selectman Hargreaves

16 **VOTE:** 5-0-0

17 **The motion carried unanimously.**

18
19 **Kent Hill Avenue:**

20 **MOTION:** by Selectman Hargreaves

21 *I move that the Salem Board of Selectmen does hereby accept Kent Hill Avenue based*
22 *upon the implied acceptance rule due to sufficient historical evidence of town*
23 *maintenance having been provided on this road. Kent Hill Avenue is located off North*
24 *Main Street and Clay Avenue with a right of way being approximately 248' (feet) in*
25 *length and 12' (feet) in width. No damages are due to abutting property owners based*
26 *upon a previous dedication of the way, as such abutters' property has always been subject*
27 *to public use, and accordingly, no damages would be recoverable with the acceptance*

28 **SECOND:** Selectman McBride

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

30 **The motion carried unanimously.**

31
32 Chairman Barnes handed over the chair of the meeting to Selectman Lyons temporarily.

33
34 **King Street:**

35 **MOTION:** by Chairman Barnes

36 *I move that the Salem Board of Selectmen does hereby accept King Street based upon the*
37 *implied acceptance rule due to sufficient historical evidence of town maintenance having*
38 *been provided on this road. King Street is located off Henry Taylor Street with a right of*
39 *way being approximately 902' (feet) in length and 24' (feet) in width. No damages are*
40 *due to abutting property owners based upon a previous dedication of the way, as such*
41 *abutters' property has always been subject to public use, and accordingly, no damages*
42 *would be recoverable with the acceptance*

43 **SECOND:** Selectman McBride

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

45 **The motion carried unanimously.**

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

2
3 **MOTION:** by Selectman McBride

4 ***Move that the Salem Board of Selectmen do not accept Wesley Lane until the developer***
5 ***has completed the work, and further that the Board of Selectmen provide notice to the***
6 ***developer that all work must be completed by June 10, 2010 or the Town will initiate***
7 ***action to acquire the remaining Twenty Nine Thousand Dollars (\$29,000) in escrow/letter***
8 ***of credit to begin the work***

9 **SECOND:** Selectman Hargreaves

10 **VOTE:** 5-0-0

11 **The motion carried unanimously.**

12
13 **6. First Deliberative Session**

14 **a) Warrant Article Assignments**

15 Dr. LaBranche introduced the item, outlining the three warrants and their value which he
16 requested the Board assign a Board member relative to presentation at the Deliberative
17 Session. He confirmed it was also the Board's intent to bring the restoration amendment
18 before the voters at the time. Dr. LaBranche confirmed that staff and he will work with
19 the Board on presentations. He then talked about the current summary list of articles (in
20 addition to the three already mentioned) for the second Deliberative Session. He talked
21 about the effect of three significant articles on the tax rate, and pointed out he had
22 provided the Board with a summary sheet comparing this year's budget with that of last
23 year (by department) and a revenue report sheet to highlight the challenges before the
24 Board.

25
26 The Board agreed on the following assignments:

27
28 **MOTION:** by Chairman Barnes

29 ***Move to present information on the 2010 Operations Budget and the Restitution***
30 ***warrant articles at the first Deliberative Session***

31 **SECOND:** Selectman Roth

32
33 **MOTION:** by Selectman Lyons

34 ***Move to present information on the Bridge Reconstruction at the first Deliberative***
35 ***Session***

36 **SECOND:** Selectman McBride

37
38 **MOTION:** by Selectman McBride

39 ***Move to present information on the SFR loan for the water meters at the first***
40 ***Deliberative Session***

41 **SECOND:** Selectman Hargreaves

42
43 **b) Discussion Scheduling of Breakfast Meeting Prior to February 6th Deliberative Session**

44 Following discussion, the Board agreed to schedule their breakfast meeting prior to the
45 February 6th Deliberative Session for 7:00 a.m. at Bickfords.

7. Town Manager's Report

Dr. LaBranche informed the Board that the letter of opposition on the tolls on I-93 had been forwarded to state representatives and the Governor. He confirmed WMUR-TV had also been notified. Dr. LaBranche also confirmed the letter went out to RPC relative to the Board's continued objection to the timeliness of their new rules. He informed the Board he will be following up with LGC regarding the potential for an injunction on the state if they decide to move ahead with the toll road proposal. Dr. LaBranche also informed the Board the Town is currently transitioning black and white vehicles previously used by the Police department to town staff vehicles.

8. Selectmen Reports/Correspondence

Selectman Roth informed the Board she had arranged a meeting with the Governor and his Liaison Officer as follow up to the Board's letter on the I-93 tolls and requested the Board provide her with any questions or information they wished her to convey at the meeting. She reported that EDAC is also concerned about the tolls and is interested in sending a message to the Governor that they are interested in extended gambling. The other members of the Board asked Selectman Roth bring the following to her meeting.

- Chairman Barnes stressed his point would be that the state should look at exploring all sources of possible revenue as the town sees the state as a single entity.
- Selectman McBride talked about the state budget increases which have been passed down to the municipalities, stating this is an added burden Salem could not afford.
- Selectman Lyons talked about the impact the tolls would have upon the town and the highway was intended to improve the quality of life.
- Selectman Hargreaves asked that Selectman Roth ascertain whether the Governor has signed the application and was it submitted on Friday as scheduled.

Selectman Hargreaves announced that State Representatives will be voting on Thursday on motor cycle noise and helmets. He suggested members of the public contact their representatives if they want these things voted down.

Selectman McBride announced the state would be voting on Sunday sales permits which would take approximately \$15,000 in revenue away from the town. He asked members of the public to contact their state representatives and ask them not to cut revenues to towns.

9. Old Business Tabled/Pending

There was none.

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

Mrs. Carver, 10 Wells Avenue thanked the Town Manager and the Board for hearing and considering her concerns regarding the sale of town land.

• Upcoming Meetings

Chairman Barnes suggested the Board not meet on February 1. Following input from Dr. LaBranche on the number of petition articles and further discussion by the Board on how

1 they wished to move forward, it was agreed that they would discuss everything at one time
2 and Chairman Barnes confirmed their schedule of meetings as follows:

- 3 o February 6, 2010 – Board of Selectmen Breakfast meeting followed by the First
- 4 Deliberative Session (Salem High School)
- 5 o February 8, 2010 – Board of Selectmen meeting
- 6 o February 22, 2010 – Board of Selectmen meeting

7
8 **ADJOURN**

9
10 **MOTION:** by Selectman Hargreaves

11 *Move to adjourn*

12 **SECOND:** Selectman McBride

13 **VOTE:** 5-0-0

14 **The motion carried unanimously.**

15
16 There being no further business, the meeting adjourned at 7:42 p.m.

17
18 Notes/minutes taken by: Sandra Maxwell

19
20 Approved: Board of Selectmen

21
22 Date: February 8, 2010