

**MINUTES OF THE  
BOARD OF SELECTMEN**

**MEETING OF  
April 12, 2010**

The Board of Selectman held a meeting on Monday, April 12, 2010, the Salem Town Hall, 33 Geremonty Drive, Salem, New Hampshire.

**PRESENT:** Chairman Michael Lyons, Selectman Arthur E. Barnes, Vice-Chairman Selectman Elizabeth Roth, Selectman Everett McBride, Secretary, Selectman Patrick Hargreaves and Acting Town Manager, Henry LaBranche

**CALL TO ORDER**

Chairman Roth called the meeting to order at 7:00PM with the Pledge of Allegiance. Chairman Lyons then introduced the Board members and Acting Town Manager Dr. Henry LaBranche.

**1. Meeting Minutes**

**MOTION: by Selectman McBride**

To approve the Non-Public Session sealed minutes of April 05, 2010 as printed

**SECOND: Selectman Hargreaves**

**VOTE: 5-0-0**

**The motion carried.**

**MOTION: by Selectman McBride**

To approve the Non-Public Session minutes #2 of April 05, 2010 as printed

**SECOND: Selectman Hargreaves**

**VOTE: 5-0-0**

**The motion carried.**

**MOTION: by Selectman McBride**

To approve the Regular meeting minutes of April 05, 2010 as printed

**SECOND: Selectman Hargreaves**

**VOTE: 5-0-0**

**The motion carried.**

**2. Chairman Comments**

Chairman Lyons commented that the appointments were as follows as a result of the interview session held immediately before this meeting and chaired by Selectman Roth

**Historic District Commission**

*Appointed:* Kathryn Burke

**Council on Aging**

*Appointed:* Josephine Simard

**Conservation Commission**

*Appointed:* William Carter

**Housing Authority**

*Appointed:* Julie Vondrak

*Appointed:* Kenneth Ackerley

**3. Salem School District-Request for Waiver of Permit Requirements**

Dr. LaBranche commented that the Salem School District has requested that the Board consider waiving permit fees for the construction, modification, or additions to the school district facilities relative to the bond that just passed. He added that Mr. Messenheimer was in attendance to answer any questions.

**MOTION:** by Selectman McBride to waive the fee requirement for building, plumbing, and electrical permits for work related to the construction, modification, or addition to the school district facilities as approved at the 2010 Annual Town Meeting; further that the waiver shall include any fee that may be required as part of the water and/or sewer Demand and Benefit Assessment. The waiver does not include the required permit applications for building, plumbing or election permits related to this project.

**SECOND: Selectman Roth**

*Discussion:*

Selectman Barnes commented that the school recently charged the police a fee for administering and exam and stated that he would not support this , adding that this should be a "quid pro quo".

Selectman Hargreaves agreed and asked what the dollar amount was that was potentially going to be waived. Dr. LaBranche replied he did not have the number, and relayed the past history of quid pro quo between the school and town over the last fifteen years, and advocated the passage of this motion. Other board members made their opinions known, and stated that the boards should be working together.

Selectman Roth stated she would like to know the dollar value, which would allow for a more informed decision to be made.

**MOTION:** by Selectman Hargreaves to table the motion

**SECOND: Selectman McBride**

**VOTE: 5-0-0**

**The motion carried.**

**4. Spicket River Watershed Study Update**

Dr. LaBranche commented that last October the Board of Selectmen approved the Spicket River Watershed Study Project and the purpose of the study was to use a computer model to investigate how watershed management can be optimized to provide water to support multiple uses including water supply withdrawals, environmental and recreational target. He added that the study area for the modeling is the Spicket River Watershed and will focus on lake levels and stream flows in the watershed that could be impacted by withdrawing water from Canobie Lake and Arlington Pond under various impoundment management .He commented further that the group has met once, on March 9<sup>th</sup>, 2010 with Rick Russell representing the town, and noted that Brandon Kernen with DES was preparing a letter to go out to the various organizations that may have an interest in the project. (document attached)

Dr. LaBranche stated that he had asked Mr. Russell to keep all informed of the progress, and noted he had received a copy of the proposal performed in October 2009.

**5. Review of Board of Selectmen Bylaws**

Dr. LaBranche stated that at the last meeting, Selectman Roth suggested additional minor changes to the Board of Selectmen bylaws and noted that those additional changes had been made as written below, (document attached)

adding a sentence in Section B, 2(b) to read “In the absence of the Secretary, the Recording Clerk shall prepare the minutes as requested”; and

amending Section E, 1 by removing “Recording Officer” and changing the sentence to read “The Recording Clerk shall be the official recorder of the minutes of the Board of Selectmen.....

**MOTION:** by Selectman Roth *to amend the bylaws as proposed with a copy of the proposed amendments attached hereto.*

**SECOND:** Selectman McBride

**VOTE:** 5-0-0

**The motion carried.**

**MOTION:** by Selectman Roth *to table the motion to amend the bylaws to the Board’s April 26, 2010 meeting*

**SECOND:** Selectman McBride

**VOTE:** 5-0-0

**The motion carried.**

**6. Accept Streets**

Dr. LaBranche recommended the acceptance of the following streets: Sillen Drive (Off Chatham Circle), Stanwood Road (Off Bridge Street/Dawn Street), Sullivan Court (Off Sullivan Avenue), Sunrise Drive (Off Crescent Circle/Marie Avenue, and Sunset Road (Off North Main Street).He added further that Emerald Drive was on the list of potential roads to be accepted, but stated that he would not recommend that Emerald Drive be accepted at this time as the developer had not completed work. He added that they would be notified by the town that prior to June 2010 the work must be completed or the Town will take action to acquire any remaining funds in escrow.

**MOTION:** by Selectman Hargreaves *that the Salem Board of Selectmen does hereby accept Sillen Drive based upon the implied acceptance rule due to sufficient historical evidence of town maintenance having been provided on this road since at least 1995. Sillen Drive is located off Chatham Circle with a right of way being approximately 169’ (feet) in length and 22’ (feet) in width. No damages are due to abutting property owners based upon a previous dedication of the way, as such abutters’ property has always been subject to public use, and accordingly, no damages would be recoverable in connection with the acceptance.*

**SECOND:** Selectman McBride

**VOTE:** 5-0-0

**The motion carried.**

1 **MOTION:** by Selectman McBride *that the Salem Board of Selectmen does hereby accept*  
2 *Stanwood Road (Up to #22 Standwood Road) based upon the implied acceptance rule due to*  
3 *sufficient historical evidence of town maintenance having been provided on this road since at*  
4 *least 1995. Stanwood Road is located off Bridge Street/Dawn Street with a right of way being*  
5 *approximately 1,512' (feet) in length and 22' (feet) in width. No damages are due to abutting*  
6 *property owners based upon a previous dedication of the way, as such abutters' property has*  
7 *always been subject to public use, and accordingly, no damages would be recoverable in*  
8 *connection with the acceptance.*

9 **SECOND:** Selectman Hargreaves

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

11 **The motion carried.**

12  
13 **MOTION:** by Selectman Roth *that the Salem Board of Selectmen does hereby accept the*  
14 *paved portion of Sullivan Court (up to #6 Sullivan Court) based upon the implied acceptance*  
15 *rule due to sufficient historical evidence of town maintenance having been provided on this*  
16 *road since at least 1995. Sullivan Court is located off Sullivan Avenue with a right of way*  
17 *being approximately 881' (feet) in length and 22' (feet) in width. No damages are due to*  
18 *abutting property owners based upon a previous dedication of the way, as such abutters'*  
19 *property has always been subject to public use, and accordingly, no damages would be*  
20 *recoverable in connection with the acceptance.*

21 **SECOND:** Selectman Hargreaves

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

23 **The motion carried.**

24  
25 **MOTION:** by Selectman Barnes *that the Salem Board of Selectmen does hereby accept*  
26 *Sunrise Drive based upon the implied acceptance rule due to sufficient historical evidence of*  
27 *town maintenance having been provided on this road since at least 1995. Sunrise Drive is*  
28 *located off Crescent Street/Marie Avenue with a right of way being approximately 440' (feet)*  
29 *in length and 22' (feet) in width. No damages are due to abutting property owners based upon*  
30 *a previous dedication of the way, as such abutters' property has always been subject to public*  
31 *use, and accordingly, no damages would be recoverable in connection with the acceptance.*

32 **SECOND:** Selectman Hargreaves

33 **VOTE:** 5-0-0

34 **The motion carried.**

35  
36 **MOTION:** by Selectman Hargreaves *that the Salem Board of Selectmen does hereby accept*  
37 *Sunrise Drive based upon the implied acceptance rule due to sufficient historical evidence of*  
38 *town maintenance having been provided on this road since at least 1995. Sunset Road is*  
39 *located off North Main Street with a right of way being approximately 485' (feet) in length*  
40 *and 15' (feet) in width. No damages are due to abutting property owners based upon a*  
41 *previous dedication of the way, as such abutters' property has always been subject to public*  
42 *use, and accordingly, no damages would be recoverable in connection with the acceptance.*

43 **SECOND:** Selectman McBride

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

45 **The motion carried.**

1 **MOTION: by Selectman Barnes to amend the motion to read Sunset Road, instead of**  
2 **Sunrise Drive.**

3 **SECOND: Selectman McBride**

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

5 **The motion carried.**

6  
7 **MOTION: by Selectman McBride that the Salem Board of Selectmen does hereby not accept**  
8 ***Emerald Drive of Nottingham Road until the developer has completed the work; and further***  
9 ***that the Town will provide notice to the developer that all work must be completed by June 10,***  
10 ***2010 or the Town will initiate action to acquire the remaining funds in escrow/letter of credit.***

11 **SECOND: Selectman Hargreaves**

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

13 **The motion carried.**

14  
15 *Discussion:*

16 Selectman McBride asked if we knew who the developer was and Dr. LaBranche stated that we  
17 did.

18  
19 Chairman Lyons asked how far along we were in the street acceptance process. Dr. LaBranche  
20 responded that we were a several weeks away from completion.

## 21 22 **7. Town Manager's Report**

23 Dr. LaBranche commented that they had come to terms with ASCME Union, and noted that  
24 there were language changes, one-year contract and a zero percent increase.

25  
26 He commented further that two police officers were recognized recently at Red Cross event as  
27 they had performed life saving techniques.

28  
29 **MOTION: by Selectman Hargreaves that letters be drafted by the Town Manager recognizing**  
30 ***these two individuals and that they be invited to a Selectmen's Meeting to receive them.***

31 **SECOND: Selectman McBride**

32 **VOTE: 5-0-0**

33 **The motion carried.**

34  
35 Dr. LaBranche commented that a press release went out today by Mr. Puff regarding the  
36 Lawrence Road Bridge and stated that construction would begin April 26, 2010.

37  
38 Dr. LaBranche commented that there may be a potential shortfall in the states budget of 210-220  
39 million and noted that the potential loss to towns could be a one percent decrease in the monies  
40 received for the food and meals tax. He commented that the real reduction is 10.4 % and  
41 referenced the spreadsheet that he had supplied, resulting in an estimated loss of \$137, 941.00.

42  
43 He noted that there would be a change in retirement, and the state contribution would be lowered  
44 from 25% to 20%. Selectman McBride asked what the actual change was, as he though it was a  
45 total change of 10%. Dr. LaBranche stated that he would find out.

1 Dr. LaBranche commented that Hooker Farm Road had been stated and added that the box had  
2 not been delivered yet, as there were some soil issues and added there would be an additional  
3 cost of approximately \$50,000.00. He added that this project should be completed in  
4 approximately two weeks.

#### 5 6 **8. Selectmen Reports/Correspondence**

7 Selectman McBride commented that he would be looking for the percentage change in the state  
8 contribution to retirement, which would be looked into. He also asked if the employees would be  
9 contributing more. Dr. LaBranche stated that he thought that they would, but added it was not in  
10 the summary and noted he would find out. He commented that Earth Day was April 24, and there  
11 would be a walk at the town forest. Selectman McBride passed out paperwork relative to sewer  
12 and water and passed out a proposal, and would like to have the authority to pass along the  
13 paperwork.( west side interceptor, and cost sharing with Windham, supply copy of DBA, include  
14 Canobie, relative to sewer expansion ) Chairman Lyons asked if staff had reviewed this letter .  
15 Dr. LaBranche indicated that they had and stated that this could be adopted in concept to get the  
16 conversations moving.

17  
18 **MOTION: by Selectman McBride that the board accept this proposal, which is a draft letter**  
19 **from myself to Windham with respect to expansion of sewer to Canobie**

20 **SECOND: Selectman Hargreaves**

21 **VOTE: 5-0-0**

22 **The motion carried.**

23  
24 Selectman Hargreaves commented that the Field of Dreams had their clean up last Saturday, and  
25 stated that they were set up for the Summer Concert series. He commented that April 24, 2010  
26 between 9:00 AM and 1:00 PM there would be a clean up at Hedgehop Park, a boy scout would  
27 be making a nature trail and there would be over 100 volunteers from Comcast.

28  
29 He also commented that the skate park would be opening in May. Selectman Hargreaves  
30 commented that the Fishing Derby would be held this Saturday at Hedgehog Park starting at 8:00  
31 AM. He thanked the Rotary Club for supporting this effort.

32  
33 Chairman Lyons stated that Mr. Puff would be giving updates to the board regarding these  
34 projects.

35  
36 Selectman Hargreaves asked that a sign be placed at Pond/Lawrence to advise residents that the  
37 bridge would be closed.

38  
39 Selectman McBride commented on the gate at the end of Gordon Road and asked when this  
40 would be removed by the state.

#### 41 42 **9. Old Business Tabled/Pending**

- 43  
44 • *Additions and/or Requests by Public or Board by Vote*

- 45  
46 • **UPCOMING MEETINGS**

- 1       • April 26, 2010
- 2       • May 3, 2010
- 3       • May 10, 2010
- 4       • May 24, 2010

5

6       **MOTION: by Selectman McBride**  
7       **To adjourn the meeting**  
8       **SECOND: Selectman Hargreaves**  
9       **VOTE: 5-0-0**

10

11      The motion carried unanimously

12

13      Without further business, the meeting adjourned at 7:50PM and would be going into a non-  
14      public session under RSA 91-A: 3, II (a), Chairman Lyons polled the board and the vote was  
15      unanimous.

16

17      Notes/Minutes Taken by:     Catherine Kupa, Recording Secretary

18

19      Approved:                     Board of Selectmen

20

21      Date:                            April 26, 2010