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**MINUTES OF THE  
BOARD OF SELECTMAN**

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**MEETING OF  
April 26, 2010**

10 The Board of Selectman held a meeting on Monday, April 26, 2010, the Salem Town Hall, 33  
11 Geremonty Drive, Salem, New Hampshire.

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

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**CALL TO ORDER**

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

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22

**1. Meeting Minutes**

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24  
25

**MOTION: by Selectman McBride**

26 To approve the Non-Public Session minutes of April 12, 2010 as printed

27 **SECOND: Selectman Hargreaves**

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

29 **The motion carried.**

30  
31  
32

**MOTION: by Selectman McBride**

33 To approve the Meeting with the Windham Board of Selectman of March 29, 2010 as printed

34 **SECOND: Selectman Hargreaves**

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

36 **The motion carried.**

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38  
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**MOTION: by Selectman McBride**

40 To approve the Regular meeting minutes of April 12, 2010 as printed

41 **SECOND: Selectman Hargreaves**

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

43 **The motion carried.**

44  
45

**2. Chairman Comments**

46 Chairman Lyons stated he had no comments at this time.

47 Dr. LaBranche commented that item #3 was tied in with item #7 and would be brought up later  
48 in the meeting.

49 **Chairman Lyons opened the Public Hearing at 7:04 PM and immediately recessed it.**

**4. YMCA Camp Otter – Well Waiver Request – SMC 253**

Camp Otter of 66 Hooker Farm Road (represented by Andrew Brien, Merrimack Valley YMCA) is seeking a waiver of SMC 253 as follows:

Section 6 – Well - Distance from Septic Tank  
Required: 125 feet                      Proposed: 105 feet

The project at Camp Otter proposes to install a new well that will be located 105 feet from the new septic system. The current water usage of the camp allows the installation of this well within 100 feet. However, Camp Otter would like approval for an increased volume of water in anticipation of future use. The increase in volume requires a larger protective radius. Camp Otter is unable to meet that requirement due to site constraints and, therefore, a waiver is required to install a larger capacity well.

Health Officer Brian Lockard has reviewed this request and recommends the Board consider granting a waiver. However, Brian also recommends that Camp Otter be required to submit test results of their well water analysis as required by SMC 253, Section 10-D of the municipal code.

Mr. Brien commented that he was the Facilities Director of the YMCA and gave the background, and spoke about why this was necessary (documentation provided)

**MOTION: by Selectman Hargreaves to move in accordance with SMC Chapter 253-14 (Waiver) to grant the request of Camp Otter (Merrimack Valley YMCA), 66 Hooker Farm Road, for a waiver of the provisions of Salem Municipal Code Chapter 253, Section 6 to allow the well to be within 105 feet of the required protective radius of the septic system where 125 feet is required, and further, that Camp Otter be required to submit test results of their well water analysis as required by SMC 253, Section 10-D, and further if connection to public water and/or sewer becomes available to the property at a future date, no waivers will be given and the property owner must connect to the system.**

**SECOND: Selectman McBride**

**VOTE: 5-0-0**

**The motion carried.**

**5. Meisner Brem – Waiver Request – SMC 253**

Sally Dunham of 2 Roux Avenue (represented by Kurt Meisner of Meisner Brem Corp.) is seeking a waiver of SMC Chapter 253 – Sewage Disposal Systems & Wells. The following waiver is requested:

Section 6, Field - Distance from Off-Site Well  
Required: 75 feet                      Proposed: 58 feet

The project at 2 Roux Avenue proposes to construct a new home and septic system. The proposed location of the leach field is within the 75-foot protective radius of the neighbor's well. An area exists at the front of the home that would allow the installation of a leach field that would meet all setback requirements. The designer indicates that due to ledge and other issues, the front of the home is not an appropriate location.

1 The proposed septic system is an Enviro-Septic system that provides increased treatment to the  
2 effluent as compared to a conventional system. It is important to note that this proposal meets  
3 the 75-foot setback from Arlington Pond.  
4

5 Health Officer Brian Lockard indicated that he is hesitant to recommend favorable consideration  
6 of this request because this is new construction and an area exists for the leach field that would  
7 comply with the setback requirements of the municipal code. Included in your packet is a copy  
8 of Brian's memo, as well as a copy of SMC 253. Also enclosed is documentation from the  
9 applicant. The applicant's representative is not present and the Board stated their opinions  
10 regarding this.

11  
12 *Discussion/Comments:*

13 Selectman McBride asked if this was an Enviro-Septic system. Mr. Lockard replied that it was  
14 and there needed to be a well release signed. He also noted that the applicant also owned the  
15 abutting property.  
16

17 Selectman Roth stated that she was concerned that the ledge may be an impediment, and asked if  
18 this area had been tested. Mr. Lockard replied that this area had been tested multiple times.  
19

20 Selectman Barnes stated that he would go with the recommendation of the health officer.  
21

22 Selectman Roth questioned whether we should be following the recommendations without the  
23 client's representative being present, and commented that aesthetics were an important part of a  
24 property's value, and stated that this would set a precedent for future motions regarding septic  
25 systems.  
26

27 Dr. LaBranche commented that the Town's recommendations were in the best interest of the  
28 property owner and the abutters.  
29

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

31 **VOTE: 0-5-0**

32 **The motion failed.**  
33

34 **MOTION: by Selectman McBride to move in accordance with SMC Chapter 253-14**  
35 **(Waiver) to grant the request of Sally Dunham, 2 Roux Avenue, for a waiver of the provisions**  
36 **of Salem Municipal Code Chapter 253, Section 6 to allow the leach field to be within 58 feet**  
37 **from a protective radius of an offsite well where 75 feet is required, and further, if connection**  
38 **to public sewer becomes available to the property at a future date, no waivers will be given and**  
39 **the property owner must connect to the system, such waiver is conditional upon the property**  
40 **owner receiving a well release from the State of New Hampshire.**

41 **SECOND: Selectman Hargreaves**

42 **VOTE: 3-2-0** opposed Selectman Lyons and Selectman Barnes

43 **The motion carried.**

**6. Use of Facility Policy – Recreation**

Recreation Director Chris Dillon has been working with the Recreation Advisory Committee on a facilities request policy for town properties managed by his department. Included in your packet is a copy of the draft policy. Legal counsel has reviewed the policy with minor changes.

**MOTION:** by Selectman Hargreaves to move that the Board of Selectmen does hereby adopt the “Field and Recreation Area Request Policy” as presented by Recreation Director Chris Dillon and attached hereto; and further to authorize the Town Manager to sign the policy

**SECOND:** Selectman McBride

**VOTE:** 5-0-0

**The motion carried.**

Mr. Dillon also commented that the town had received a Land Water Conservation Fund Grant for \$20,000.00 for Hedgehog Park.

*Chairman Lyons re-opened the Public Hearing at 07:25 PM.*

**3. Public Hearing – Accept Grant – State of New Hampshire, Office of Energy & Planning - Energy Efficiency & Conservation Block Grant**

Included in your packet is memo and backup information from Community Development Director Bill Scott regarding the ongoing ITS Project. Bill applied for and received a grant in the amount of \$260,000 through the NH Office of Energy and Planning. A public hearing is required to accept the funds. At your meeting on Monday, Bill will make a presentation to the Board to provide further details on the project and the grant.

**MOTION:** by Selectman Roth to move in accordance with RSA 31:95(b) that the Board of Selectmen does hereby accept a grant in the amount of \$260,000 from the Energy Efficiency and Conservation Block Grant (EECBG) program through the American Recovery and Reinvestment Act as managed at the State of New Hampshire by the Office of Energy and Planning, and further to authorize the Town Manager to sign any and all documents necessary or associated with the receipt of this grant.

**SECOND:** Selectman McBride

**VOTE:** 5-0-0

**The motion carried.**

*Discussion/Comments:*

Selectman McBride thanked Bill Scott for his hard work and asked if the Foss School could be connected to the ITS plan. Mr. Scott stated that this would not be cost effective.

**7. Public Works and Water Treatment Plant Fiber Communications**

Dr. LaBranche commented that as a result of the ITS project efforts, the departments involved in this project discovered the opportunity to expand the scope of Phase One of the Fiber Network Project. The expansion presents an opportunity to connect the DPW buildings via a fiber connection at a far less expensive cost than before.

1 Dr. LaBranche stated that Cynthia Crescenzi, Jeff Emanuelson and Community Development  
2 Director Bill Scott are in attendance to discuss this proposal in further detail. Mr. Scott presented  
3 the information to the board.

4  
5 *Discussion/Comments:*

6 Selectman Hargreaves referenced the T-1 lines and asked if we could transfer the money  
7 allocated in the budget to this item. Mr. Scott replied that we still need the T-1 lines for  
8 communication.

9  
10 Selectman Hargreaves asked how many T-1 lines we had and what the cost was. Ms. Crescenzi  
11 stated we had seven (7) lines and the cost was \$485.00 per line. Selectman Hargreaves asked if  
12 there was a cost to remove the T-1 lines, Ms. Crescenzi stated that there was not.

13  
14 Selectman Barnes asked what the cost would be for DPW and the Water Treatment Plant fiber  
15 connection. Ms. Crescenzi stated that the range would be \$15,000.00-\$20,000.00 for each.

16  
17 Selectman Roth commented on the Council in Aging meeting she went to, and stated that they  
18 were looking to put a new phone line in, and asked what the timing would be. Ms. Crescenzi  
19 stated the Senior Center had analogue phones, these would be digital and the timeline was that  
20 this was part of the first ITS phase. Mr. Scott added that this would occur in the summer of 2010.

21  
22 Selectman McBride asked if there would be multiple tie-ins for the courthouse, school etc. Mr.  
23 Scott replied that there would be. He further asked what the bids were for Phase One. Ms.  
24 Crescenzi replied that the bids are not back, they are merely seeking approval for the grant and  
25 then these bids would go out and be back in a few weeks.

26  
27 Selectman Hargreaves asked if a line could go out to Hedgehog. Mr. Scott replied that this was  
28 not cost effective or optimal. He asked further if the water and Sewer rates would be raised as a  
29 result of this proposal. Ms. Savastano stated they would not and commented on the fund  
30 balances.

31  
32 **MOTION: by Selectman Hargreaves to move to authorize the expenditure of a sum not to**  
33 **exceed \$30,000 from the Water Unreserved Fund Balance to cover the cost associated with**  
34 **installing fiber and appurtenances along Cluff Road to the Public Works facility.**

35 **SECOND: Selectman McBride**

36 **VOTE: 5-0-0**

37 **The motion carried.**

38  
39 **MOTION: by Selectman Barnes to move to authorize the expenditure of a sum not to exceed**  
40 **\$40,000 from the Water Unreserved Fund Balance to cover the cost associated with installing**  
41 **fiber and appurtenances along Main Street and North Policy Road to the Water Treatment**  
42 **Plant.**

43 **SECOND: Selectman Hargreaves**

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

45 **The motion carried.**

1 **MOTION: by Selectman Hargreaves to move to authorize the expenditure of a sum not to**  
2 **exceed \$10,000 from the Traffic Impact Fee to cover the cost associated with installing fiber**  
3 **and appurtenances along Cluff Road to the Public Works facility.**

4 **SECOND: Selectman McBride**

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

6 **The motion carried.**

7  
8 **8. Website Projects**

9 The Community Development Office and Engineering Department have been working with a  
10 local high school student on the development of a webpage for the purpose of municipal projects.  
11 The idea for the webpage came from the realization that as we move into more grant funded  
12 State and Federal sponsored projects, our need to create greater and more rapid transparency  
13 requires a direct connection between the project manager and project web page. The project  
14 website, with its direct access and specific purpose, answers questions for projects only. Mr. Bill  
15 Scott made a brief presentation and released the website and address information at that time,  
16 which is [www.salemnhprojects.org](http://www.salemnhprojects.org)

17  
18 The Board commended Mr. Scott and Derek Shulz on the work that was done.

19  
20 **9. Approve Fraud Policy**

21 Included in your packet is a recently created policy on fraud prevention. The policy was written  
22 by Tax Collector Cheryl Bolouk, with input from Finance Director Jane Savastano, Police  
23 Captain Shawn Patten, and Human Resources Director Lynn Rapa. This policy was created  
24 following the annual Tax Collectors' workshop attended by Cheryl Bolouk. At the workshop,  
25 Barbara Reid, the Local Government Center Financial Advisor, presented a session on internal  
26 controls and fraud prevention. LGC recommended that all municipalities have fraud prevention  
27 policy. Our auditors also recommended that the town create such a policy. It is important for the  
28 Board to note; however, that the auditors' request to create this policy in no way meant that they  
29 suspected any employee of fraudulent activity.

30  
31 *Discussion/Comments:*

32 Selectman McBride asked if everyone had been trained and if all employees would be required  
33 to sign off on this, and what the timeline was. Ms. Bolouk replied that all town employees and  
34 town officials would be required to signoff on this, and the timeline was as soon as possible.

35  
36 Selectman Hargreaves questioned if the definitions were clear. Selectman Roth stated that this  
37 was a fraud policy and dealt with intentional deception.

38  
39 **MOTION: by Selectman McBride to move that the Board of Selectmen does hereby accept a**  
40 **policy to be known as the Fraud Policy of the Town of Salem, NH and attached hereto**

41 **SECOND: Selectman McBride**

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

43 **The motion carried.**

1 **10. Amend Bylaws**

2  
3 ***MOTION:** by Selectman Hargreaves to move to remove from the table the motion made on*  
4 *April 12, 2010 to amend the Board of Selectmen Bylaws.*

5 **SECOND:** Selectman Barnes

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

7 **The motion carried.**

8  
9 ***MOTION:** by Selectman Roth to move to amend the Board of Selectmen Bylaws as proposed*  
10 *with a copy of the proposed amendments attached hereto.*

11 **SECOND:** Selectman McBride

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

13 **The motion carried.**

14  
15 **11. Accept Streets**

16 Dr. LaBranche commented that he would like to recommend the acceptance of the following  
17 streets: **Valeska Lane** (Off Cross Street, opposite Green Acres), **Walnut Terrace** (Off North  
18 Main Street, after Wheeler Dam Road), **Walter Palmer Lane** (Off Carmar Lane/Millville  
19 Street), **Warren Avenue** (Off Shore Drive, near Island Road, and **Wells Road** (Off North Main  
20 Street, near Spicket Lane).

21  
22 He commented further that the Gordon Avenue Extension was on the list of potential roads to be  
23 accepted. However, as detailed in the notes, it is not recommended that Gordon Avenue  
24 Extension be accepted at this time. Currently there is only a binder coat on the road. The  
25 developer will be notified by the Engineering Department that the work on this street needs to be  
26 completed prior to September 2010 or the Town will take action to acquire any remaining funds  
27 in escrow.

28  
29 ***MOTION:** by Selectman Barnes to move that the Salem Board of Selectmen does hereby*  
30 *accept Valeska Lane based upon the implied acceptance rule due to sufficient historical*  
31 *evidence of town maintenance having been provided on this road since at least 1995. Valeska*  
32 *Lane is located off Cross Street with a right of way being approximately 549' (feet) in length*  
33 *and 14' (feet) in width. No damages are due to abutting property owners based upon a*  
34 *previous dedication of the way, as such abutters' property has always been subject to public*  
35 *use, and accordingly, no damages would be recoverable in connection with the acceptance.*

36 **SECOND:** Selectman Hargreaves

37 **VOTE:** 5-0-0

38 **The motion carried.**

39  
40 ***MOTION:** by Selectman Roth to move that the Salem Board of Selectmen does hereby accept*  
41 *Walnut Terrace based upon the implied acceptance rule due to sufficient historical evidence of*  
42 *town maintenance having been provided on this road since at least 1995. Walnut Terrace is*  
43 *located off North Main Street with a right of way being approximately 725' (feet) in length*  
44 *and 24' (feet) in width. No damages are due to abutting property owners based upon a*  
45 *previous dedication of the way, as such abutters' property has always been subject to public*  
46 *use, and accordingly, no damages would be recoverable in connection with the acceptance.*

1 **SECOND: Selectman McBride**

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

3 **The motion carried.**

4  
5 *MOTION: by Selectman Hargreaves to move that the Salem Board of Selectmen does hereby*  
6 *accept the paved portion of Walter Palmer Lane based upon the implied acceptance rule due*  
7 *to sufficient historical evidence of town maintenance having been provided on this road since*  
8 *at least 1995. Walter Palmer Lane is located off Carmar Lane/Millville Street with a right of*  
9 *way being approximately 840' (feet) in length and 20' (feet) in width. No damages are due to*  
10 *abutting property owners based upon a previous dedication of the way, as such abutters'*  
11 *property has always been subject to public use, and accordingly, no damages would be*  
12 *recoverable in connection with the acceptance.*

13 **SECOND: Selectman McBride**

14 **VOTE: 5-0-0**

15 **The motion carried.**

16  
17 *MOTION: by Selectman Barnes to move that the Salem Board of Selectmen does hereby*  
18 *accept Warren Avenue based upon the implied acceptance rule due to sufficient historical*  
19 *evidence of town maintenance having been provided on this road since at least 1995. Warren*  
20 *Avenue is located off Shore Drive with a right of way being approximately 261' (feet) in length*  
21 *and 18' (feet) in width. No damages are due to abutting property owners based upon a*  
22 *previous dedication of the way, as such abutters' property has always been subject to public*  
23 *use, and accordingly, no damages would be recoverable in connection with the acceptance.*

24 **SECOND: Selectman Hargreaves**

25 **VOTE: 5-0-0**

26 **The motion carried.**

27  
28 *MOTION: by Selectman Roth to move that the Salem Board of Selectmen does hereby accept*  
29 *Wells Road based upon the implied acceptance rule due to sufficient historical evidence of*  
30 *town maintenance having been provided on this road since at least 1995. Wells Road is*  
31 *located off North Main Street with a right of way being approximately 323' (feet) in length*  
32 *and 19' (feet) in width. No damages are due to abutting property owners based upon a*  
33 *previous dedication of the way, as such abutters' property has always been subject to public*  
34 *use, and accordingly, no damages would be recoverable in connection with the acceptance.*

35 **SECOND: Selectman McBride**

36 **VOTE: 5-0-0**

37 **The motion carried.**

38  
39 *Discussion/Comments:*

40 Selectman Hargreaves asked if we were approving the correct street. Dr. LaBranche replied this  
41 was correct.

42  
43 *MOTION: by Selectman McBride to move that the Salem Board of Selectmen does hereby not*  
44 *accept Gordon Avenue Extension until the developer has completed the work; and further that*  
45 *the Town will provide notice to the developer that all work must be completed by September*  
46 *2010 or the Town will initiate action to acquire the remaining funds in escrow/letter of credit.*

1 **SECOND: Selectman Hargreaves**

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

3 **The motion carried.**

4  
5 *Discussion/Comments:*

6 Selectman McBride commented that this should be treated as a through street, the gate should be  
7 removed, and asked when the state would be giving us back Shadow Lake Road.

8  
9 **12. Ratify SPAA Union Contract**

10 Dr. LaBranche stated that he had reached a tentative agreement with the SPAA union and added  
11 that a copy of the details of any language changes were included in your packet. He noted that  
12 the union had already approved the TA and awaits a decision of the Board.

13  
14 ***MOTION: by Selectman Hargreaves to move to ratify the agreement between the Town of***  
15 ***Salem and the Salem Public Administrators Association effective April 2009 to March 31,***  
16 ***2011 as outlined in the attached tentative agreement***

17 **SECOND: Selectman McBride**

18 **VOTE: 5-0-0**

19 **The motion carried.**

20  
21 **13. Town Manager's Report**

22 Dr. LaBranche updated the Board on the Disabled Exemption, stating that Norm Pelletier  
23 advised him that we had nine approved exemptions and there is a tenth exemption pending.  
24 Thus, the total amount waived to date on the exemptions is \$180,000. This amounts to \$2,529 in  
25 lost revenue.

26  
27 Dr. LaBranche advised the Board he had given Attorney Rob Ciandella with Donahue, Tucker &  
28 Ciandella authority to represent the Town in the FairPoint Communications bankruptcy hearing  
29 in New York.

30  
31 Dr. LaBranche updated the Board on the Lawrence Road Bridge project indicating it has been  
32 delayed due a delay from National Grid to move the utility lines.

33  
34 Dr. LaBranche advised the Board that the Fox 25 morning news crew plan to hold their zip trip  
35 segment in Salem on May 28<sup>th</sup>. The location is still undetermined; however, there is a possibility  
36 that the location will be the Town Common.

37  
38 Dr. LaBranche mentioned that he had signed a contract with a utility for the transmission of  
39 electricity with an estimated savings of \$75,000.

40  
41 **14. Selectmen Reports/Correspondence**

42 Selectman Hargreaves thanked all who were involved for their work on Hedgehog Park. He  
43 noted that an Eagle Scout would be finishing his project on Wednesday if anyone was interested  
44 in participating.

1 Selectman McBride commented on the work done at Hedgehog Park, commented on the electric  
2 rate we received, the fact that we were losing revenue on the meals tax, and the health care costs,  
3 which need to be addressed.  
4

5 Selectman Roth asked if there was a way to track the disabled exemption, and asked for a  
6 number at then end of the year. She commented further that the Board sent their  
7 condolences/sympathy to Russ Ingram n the loss of his wife.  
8

9 Chairman Lyons commented that there had also been a great deal of work done at the Town  
10 Forest.  
11

12 Selectman McBride referenced the article in the front page of the paper regarding the Town's  
13 ordinance on massage parlors and asked if this ordinance was being looked into. Dr. LaBranche  
14 commented that it was.  
15

16 Selectman Roth called for a point of order as Old Business and the public needed to be addressed  
17 as part of the agenda.  
18

#### 19 **15. Old Business Tabled/Pending**

20 None.  
21

#### 22 **UPCOMING MEETINGS**

- 23 • May 3, 2010
  - 24 • May 10, 2010
  - 25 • May 24, 2010
- 26

27 **MOTION: by Selectman McBride**

28 **To adjourn the meeting**

29 **SECOND: Selectman Hargreaves**

30 **VOTE: 5-0-0**  
31

32 The motion carried unanimously  
33

34 **Without further business, the meeting adjourned at 8:37PM and would be going into a**  
35 **non-public session under RSA 91-A: 3, II (a), Chairman Lyons polled the board and the**  
36 **vote was unanimous.**  
37

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

39 Approved: Board of Selectmen

40 Date: May 10, 2010  
42