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**MINUTES OF THE  
BOARD OF SELECTMEN**

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**MEETING OF  
May 03, 2010**

10 The Board of Selectmen held a meeting on Monday, May 03, 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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**1. Meeting Minutes**

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**MOTION: by Selectman McBride**

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

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**SECOND: Selectman Hargreaves**

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**VOTE: 5-0-0**

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**The motion carried.**

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**2. Chairman Comments**

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41

No Comments

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**3. PUBLIC HEARING**

45 Dr. LaBranche commented that the first agenda item was to Amend Salem Municipal Code  
46 Chapter 235 – Recreation Ordinance - Add Skate Park Rules. He further commented that  
47 Recreation Director Chris Dillon had prepared rules for the new skate park at Hedgehog Park.  
48 Chris also requested that the LGC review the rules from a liability perspective. The LGC made  
49 minor recommended changes and the rules are ready to be adopted by the Board. Mr. Dillon  
50 stated hat the rules would be incorporated as part of the ordinance, a sign would be placed at the  
51 park with the posted rules. He commented on the rule changes and the ordinance, and explained  
52 how he came up with the rules.

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**Motion by Selectman Hargreaves to approve proposed changes to Salem Municipal Code  
Chapter 235 – Recreation Ordinance as recommended by the Recreation Director to add  
section 235-25 – Hedgehog Park Skate Park Rules as attached hereto.**

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58  
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*Discussion/Comments:*

60 Selectman Hargreaves commented that this was end of phase one of four, and added that all  
61 courts would have similar rules.

1 Selectman Roth questioned letter D, And E and asked if he had found any ordinance that  
2 prohibited hand made skateboards or skates, asking if E would cover or mean commercially  
3 manufactured items. Selectman Hargreaves stated that individual parts can be purchased to make  
4 own skate items. Chairman Lyons suggested if there were nay other proposed changes they could  
5 be done at another time.

6  
7 **SECOND: Selectman McBride**

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

9 **The motion carried.**

10  
11 **4. Accept Donation from Council on Aging**

12 Senior Services Director Patti Drelick commented that the following items were donated:

- 13  
14
  - 4000 Lumen WXGA Projector, mount and installation for large screen viewing in the multipurpose room – valued at \$3,144.00.
  - 15 • LT LX425 20hp 42inch riding lawnmower – valued at \$1,274.00
  - 16 • Ramps for shed to store lawnmower – valued at \$39.95.

17  
18  
19 **Motion by Selectman Roth to move in accordance with RSA 31:95(b) that the Board of**  
20 **Selectmen does hereby accept the following donations:**

- 21
  - **4000 Lumen WXGA Projector, mount and installation for large screen viewing in**  
22 **the multipurpose room – valued at \$3,144.00.**
  - 23 • **LT LX425 20hp 42inch riding lawnmower – valued at \$1,274.00**
  - 24 • **Ramps for shed to store lawnmower – valued at \$39.95.**
  - 25 • **to the Senior Services Department from the Council on Aging totaling \$4,457.95.**

26  
27 *Discussion/Comments:*

28 Selectman Roth stated that the individuals at the center/Council of Aging meeting were excited  
29 about the new screen. Selectman McBride asked what work was going on over there last week.  
30 Ms. Drelick replied that they were putting in a new generator.

31  
32 **SECOND: Selectman McBride**

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

34 **The motion carried.**

35  
36 Ms. Drelick thanked the Council on Aging for a promotional luncheon to thank the volunteers.  
37 The volunteers have saved the town over \$220,000.00 by donating their time.

38  
39 **5. Salem School District – Permit Fees Waiver Request**

40 **Motion by Selectman McBride to remove from the table the following motion made at the**  
41 **Board of Selectmen’s April 12, 2010 meeting: Move to waive the fee requirement for**  
42 **building, plumbing, and electrical permits for work related to the construction,**  
43 **modification, or addition to the school district facilities as approved at the 2010 Annual**  
44 **Town Meeting; further that the waiver shall include any fee that may be required as part**  
45 **of the water and/or sewer Demand and Benefit Assessment. The waiver does not include**

1 **the required permit applications for building, plumbing or electrical permits related to this**  
 2 **project.**

3 **SECOND: Selectman Roth**

4  
 5 Dr. LaBranche commented that at the April 12<sup>th</sup> meeting, the Board received a request from the  
 6 Salem School District to waive permit fees for the construction, modifications, and additions to  
 7 the school district facilities. Community Development Director Bill Scott has worked with his  
 8 staff to determine this amount. The School District estimated the construction costs to be  
 9 \$18,200,000.00. Accordingly, the total amount to be waived by the Town would be  
 10 approximately \$201,232.00.

11  
 12 The spreadsheet below details the fees to be waived for building, plumbing and gas permits. The  
 13 above amount does not include electrical permit fees as this fee is determined per electrical  
 14 outlet. At this time, the numbers of outlets are unknown.

15  
 16 Salem School District Construction 2010

17

		Permit Fees			
	Estimated Construction Cost	Building	Plumbing	Gas	Electrical
North Salem School	\$6,100,000.00	\$67,100.00	\$284.00	\$60.00	\$40 + \$2.00 per outlet
Lancaster School	\$5,700,000.00	\$62,700.00	\$284.00	\$60.00	\$40 + \$2.00 per outlet
Barron School	\$6,400,000.00	\$70,400.00	\$284.00	\$60.00	\$40 + \$2.00 per outlet
<b>TOTAL</b>	<b>\$18,200,000.00</b>	<b>\$200,200.00</b>	<b>\$852.00</b>	<b>\$180.00</b>	

18  
 19 *Discussion/Comments:*

20 Mr. Delahanty addressed the board and stated that he was grateful that this was being considered  
 21 and stated that these funds that were being saved would be applied directly to the project or  
 22 returned to the taxpayer once the project was completed. He then opened the floor to questions.

23  
 24 Dr. LaBranche stated that the School District was employing its own representative to manage  
 25 project. They were using a construction management model, having their own project manager  
 26 took some of the burden off of town staff, and finally they would try and expedite project and  
 27 coordinate inspection, to keep the town safe.

28  
 29 Selectman Barnes commented that he hoped they would look at charging for the police exams.  
 30 Mr. Delahanty replied that the Board usually grants 100% of waivers requested, and added that  
 31 these rental contracts are separate from the school; he noted however he would look into this.

32  
 33 Selectman McBride asked if there was a place on the transmittal to check off a waiver request.  
 34 Mr. Delahanty stated that the group had to request the waiver.  
 35

1 Selectman Hargreaves asked what the cost would be for the inspections. Dr. LaBranche replied  
2 that this had not been calculated, and added that this should be seen as a town wide project.

3  
4 Selectman Roth stated that she had made the original request in order to promote transparency  
5 for the public to see, and to demonstrate that there should be reciprocity, and added that  
6 ultimately the taxpayers are paying this cost. She also stated this was a way for the Selectmen to  
7 show their support.

8  
9 Dr. LaBranche stated that the motion be amended to say School District instead of Town.

10  
11 **Motion by Selectman Barnes to move to waive the fee requirement for building, plumbing,  
12 and electrical permits for work related to the construction, modification, or addition to the  
13 school district facilities as approved at the 2010 Annual School District Meeting; further  
14 that the waiver shall include any fee that may be required as part of the water and/or sewer  
15 Demand and Benefit Assessment. The waiver does not include the required permit  
16 applications for building, plumbing or electrical permits related to this project.**

17 **SECOND: Selectman McBride**

18  
19 *Discussion/Comments*

20 Selectman Hargreaves asked what the deficit was right now. Dr. LaBranche stated that it was  
21 approximately 139K. He further questioned how this would be recovered. Dr. LaBranche stated  
22 that he would continue to manage the budget and added that he anticipated at his time it could be  
23 made up. Chairman Lyons pointed out that the 200k being waived does not figure in, as this  
24 item was planned for in the budget. Selectman McBride added that he hoped this savings would  
25 come back to the town in the form of a lower bond.

26  
27 Selectman Hargreaves asked Mr. Delahanty what was meant when he stated that the school  
28 would pay the town at the end of the project. Mr. Delahanty stated that any funds left over would  
29 be used to pay down the bond.

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

32 **The motion carried.**

33  
34 **6. Windham/Salem Sewer Study CTAP Grant**

35 The grant application for \$20,000, as prepared by Windham Community Development Director  
36 Laura Scott in conjunction with the scope of work by Underwood Engineering, will address the  
37 needs of providing further determination and direction for a Windham/Salem Sewer extension  
38 partnership. The grant and scope are within the context of the letter from Selectmen McBride  
39 outlining the preferred parameters of the analysis and project outcome. The Town of Salem will  
40 contract with Underwood and manage the grant with the Town of Windham via the respective  
41 Community Development Offices.

42  
43 **Motion by Selectman McBride that the Board hereby authorizes the Chairman to sign the  
44 grant application to show support for the Community Technical Assistance Program or  
45 CTAP Grant for \$20,000 for the purpose of performing a joint Salem Windham study on  
46 the extension of sewer.**

1 **SECOND: Selectman Hargreaves**

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

3 **The motion carried.**

4  
5 **7. Naming of Facilities Policy**

6 Dr. LaBranche commented that the Board requested a policy be established on naming of Town-  
7 owned facilities and properties and noted that a first draft was included tin the packet for the  
8 board's consideration. He stated that he felt strongly that it would not be the policy of the town  
9 to sell naming rights.

10  
11 *Discussion/Comments:*

12 Selectman Hargreaves asked if a person offered to donate a large sum of money, would we turn  
13 it down, because of the naming clause in the proposal and secondly commented that on October  
14 27, 2003, the Board of Selectmen adopted a park naming policy and asked if that would be  
15 implemented, at the same time as this current proposal. Dr. LaBranche stated that he was not  
16 aware of this policy but would take it into consideration

17  
18 Selectman McBride stated that the naming rights should be left to the discretion of the Board.

19  
20 Selectman Roth suggested that the definition of Town facility be clarified in this naming process.

21  
22 Selectman Barnes stated that Town Meeting had the final vote.

23  
24 Chairman Lyons stated that he hoped that the requests would be in writing and explain how the  
25 criteria were met. Dr. LaBranche commented that this had been stated very simply in the policy.

26  
27 **8. Accept Streets**

28 Dr. LaBranche recommended the acceptance of the following streets: Westwood Road (Off  
29 North Main Street, near Spicket Lane), Wilson Street (Off Henry Taylor Street/Shore Drive),  
30 Wreck Avenue (Off Shore Drive, near Cove Road), Ashwood Avenue (Off Wheeler Avenue),  
31 and Birch Road (Off Old Rockingham Road/Jill Road).

32  
33 In addition, he noted that, a portion of Greenhaven Road is on the list of potential roads to be  
34 accepted. However, as detailed in the notes, it is not recommended that this section of  
35 Greenhaven Road be accepted at this time. Currently there are still some repairs that need to be  
36 done to the street and some street lighting needs to be added. The developer will be notified by  
37 the Engineering Department that the work on this street needs to be completed prior to June 2010  
38 or the Town will take action to acquire any remaining funds in escrow.

39  
40 **Motion by Selectman Hargreaves to move that the Salem Board of Selectmen does hereby**  
41 **accept Westwood Road based upon the implied acceptance rule due to sufficient historical**  
42 **evidence of town maintenance having been provided on this road since at least 1995.**

43 **Westwood Road is located off North Main Street, near Spicket Lane, with a right of way**  
44 **being approximately 915' (feet) in length and 12' (feet) in width. No damages are due to**  
45 **abutting property owners based upon a previous dedication of the way, as such abutters'**

1 **property has always been subject to public use, and accordingly, no damages would be**  
2 **recoverable in connection with the acceptance.**

3 **SECOND: Selectman McBride**

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

5 **The motion carried.**

6  
7 *Discussion/Comments*

8 Selectman Barnes asked if there was any evidence that any of the developers were moving  
9 forward in general. Dr. LaBranche stated that they were.

10  
11 **Motion by Selectman McBride to move that the Salem Board of Selectmen does hereby**  
12 **accept Wilson Street based upon the implied acceptance rule due to sufficient historical**  
13 **evidence of town maintenance having been provided on this road since at least 1995.**

14 **Wilson Street is located off Henry Taylor Street/Shore Drive with a right of way being**  
15 **approximately 988' (feet) in length and 13' (feet) in width. No damages are due to abutting**  
16 **property owners based upon a previous dedication of the way, as such abutters' property**  
17 **has always been subject to public use, and accordingly, no damages would be recoverable**  
18 **in connection with the acceptance.**

19 **SECOND: Selectman Hargreaves**

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

21 **The motion carried.**

22  
23 **Motion by Selectman Roth to move that the Salem Board of Selectmen does hereby accept**  
24 **Wreck Avenue based upon the implied acceptance rule due to sufficient historical evidence**  
25 **of town maintenance having been provided on this road since at least 1995. Wreck Avenue**  
26 **is located off Shore Drive, near Cove Road, with a right of way being approximately 643'**  
27 **(feet) in length and 16' (feet) in width. No damages are due to abutting property owners**  
28 **based upon a previous dedication of the way, as such abutters' property has always been**  
29 **subject to public use, and accordingly, no damages would be recoverable in connection**  
30 **with the acceptance.**

31 **SECOND: Selectman Barnes**

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

33 **The motion carried.**

34  
35 **Motion by Selectman Barnes to move that the Salem Board of Selectmen does hereby**  
36 **accept a portion of Ashwood Avenue from Iris Avenue to Birchwood Road based upon the**  
37 **implied acceptance rule due to sufficient historical evidence of town maintenance having**  
38 **been provided on this road since at least 1995. Ashwood Road is off Wheeler Avenue with**  
39 **a right of way to be accepted being approximately 1,339' (feet) in length and 24' (feet) in**  
40 **width. No damages are due to abutting property owners based upon a previous dedication**  
41 **of the way, as such abutters' property has always been subject to public use, and**  
42 **accordingly, no damages would be recoverable in connection with the acceptance.**

43 **SECOND: Selectman Hargreaves**

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

45 **The motion carried.**

1 **Motion by Selectman Hargreaves to move that the Salem Board of Selectmen does hereby**  
2 **accept a portion of Birch Road from #24 to #31 Birch Road based upon the implied**  
3 **acceptance rule due to sufficient historical evidence of town maintenance having been**  
4 **provided on this road since at least 1995. Birch Road is located off Old Rockingham**  
5 **Road/Jill Road with a right of way to be accepted being approximately 1,264' (feet) in**  
6 **length and 24' (feet) in width. No damages are due to abutting property owners based**  
7 **upon a previous dedication of the way, as such abutters' property has always been subject**  
8 **to public use, and accordingly, no damages would be recoverable in connection with the**  
9 **acceptance.**

10 **SECOND: Selectman McBride**

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

12 **The motion carried.**

13  
14 **Motion by Selectman McBride to move that the Salem Board of Selectmen does hereby not**  
15 **accept Greenhaven Road until the developer has completed the work; and further that the**  
16 **Town will provide notice to the developer that all work must be completed by June 2010 or**  
17 **the Town will initiate action to acquire the remaining funds in escrow/letter of credit.**

18 **SECOND: Selectman Hargreaves**

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

20 **The motion carried.**

## 21 **9. Legislative Update - Sunday Sales**

22 Selectman McBride commented that he felt that the board should send a letter to the State  
23 legislation regarding the proposed discontinuance of allowing communities to require Sunday  
24 sales permits. The estimated lost annual revenue from the permits is \$15,000. He stated we  
25 should support the enabling legislation, and noted he would not support eliminating it.

26  
27  
28 Selectman Hargreaves stated that as a business owner he would be abstaining from this vote.

29  
30 Selectman Roth stated that she hoped the town would look at this revenue source. and suggested  
31 they look at charging business owners on a square footage rate instead of flat fee. She  
32 commented that this \$50.00 fee per year did not satisfy all of the requirements that the openings  
33 caused. (more traffic, taxing on infrastructure, etc.)She added that she was in full agreement of  
34 sending a letter.

35  
36 **Motion by Selectman McBride to move that the Board of Selectman send a letter to the**  
37 **state legislation stating that they would be in support of this legislation.,, which makes this**  
38 **enabling legislation which enable each city and town to decide what they want to do.**

39 **SECOND: Selectman Barnes**

### 40 *Discussion/Comments*

41 Selectman McBride added that this was only \$.96 cents per week, or \$50.00 per year.

42  
43  
44 **VOTE: 4-1, in the minority Selectman Hargreaves**

45 **The motion carried.**

**10. Town Manager's Report**

Dr. LaBranche commented on the Transportation Enhancement Grant for \$1.273 million that was received, adding that Bill Scott will now be charged with collecting the match.

Selectman McBride stated that we should be a member of the Southern NH Planning Group.

Dr. LaBranche commented that Shadow Lake Road remains the property of the State of NH, and Hooker Farm Road will be completed by May 7, 2010.

Selectman Hargreaves asked if Hooker Farm Road was red-listed. Dr. LaBranche stated no.

Selectman Hargreaves asked if we were eligible for reimbursement. Dr. LaBranche stated that we were eligible for up to 75%.

**11. Selectmen Reports/Correspondence**

Selectman McBride commented that the Historic District Commission met and commented that some work had to be done by the owner of the old Tuxedo shop, and asked the Town Manager to try and expedite this work. Dr. LaBranche commented that he had passed this along to Brian Lockard. Selectman Roth noted that this was also an issue with the Planning Board.

Selectman McBride commented that he had spoken with a resident of Duston Road and stated that there was perhaps an issue with drainage. He also commented that Whiteneck Way resident had the same issue and asked that staff would look into this. Dr. LaBranche stated that they had to go after the developer, and stated that they had been up there several times. Selectman McBride stated that we needed to take a stand with these developers, and suggested possibly not issuing permits.

Chairman Lyons distributed a memo regarding the finding profile for the road program, and added that the road program of 2013 takes into inflation.

Selectman Hargreaves stated that he would like to see maintenance program for roads already done. Chairman Lyons stated that this was included.

**Motion by Selectman Barnes to advise the Road Program Committee to adopt a Road Program Plan, which meets the funding requirement, which is delineated by the green line on the distributed document.**

**SECOND: Selectman McBride**

**VOTE: 5-0-0**

**The motion carried.**

**12. Old Business Tabled/Pending*****Upcoming Meetings***

May 10, 2010

May 24, 2010, no meeting

June 7, 2010

June 14, 2010

June 28, 2010

1 **MOTION: by Selectman Barnes**

2 **To adjourn the meeting**

3 **SECOND: Selectman McBride**

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

5

6 **Without further business, the meeting adjourned at 8:12PM and would be going into a**  
7 **non-public session under RSA 91-A: 3, II (a), Chairman Lyons polled the Board and the**  
8 **vote was unanimous.**

9

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

11

12 Approved: Board of Selectmen

13

14 Date: May 10, 2010