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**MINUTES OF THE
BOARD OF SELECTMEN**

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**Regular Meeting of
March 22, 2010**

8 The Board of Selectmen held a meeting on Monday, March 22, 2010 at Salem Town Hall, 33
9 Geremonty Drive, Salem, NH.

10
11 **PRESENT:** Chairman Michael J. Lyons, Vice-Chairman Elizabeth A. Roth, Secretary
12 Selectman Everett P. McBride, Arthur E. Barnes III, Selectman Patrick Hargreaves and Dr. H.
13 LaBranche (Acting Town Manager)
14

15 **CALL TO ORDER**

16 Chairman Lyons called the meeting to order at 7:01 p.m. He began by joining the Board in the
17 Pledge of Allegiance and introduced members of the Board and Dr. LaBranche.
18

19 **1. Meeting Minutes**

20 **MOTION:** by Selectman McBride

21 *Move to accept the minutes of the Board of Selectmen Regular Meeting on March 15,*
22 *2010 as written*

23 **SECOND:** Selectman Hargreaves

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

25 **The motion carried unanimously.**
26

27 **MOTION:** by Selectman McBride

28 *Move to accept the sealed minutes of the Board of Selectmen Non-Public Session on*
29 *March 15, 2010 as written*

30 **SECOND:** Selectman Hargreaves

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

32 **The motion carried unanimously.**
33

34 **2. Chairman Comments**

35 Chairman Lyons made no comments at this time.
36

37 **3. Accept Donation from Council on Aging**

38 Dr. LaBranche introduced the topic, handing over to Ms. Drelick, Director of Senior
39 Services. Ms. Drelick stated she was in attendance to request the Board accept gifts from
40 the Council on Aging for enhancements to the Senior Center for the installation of sliding
41 glass windows at the reception area and mirrors for the exercise room. She provided details
42 of the cost of each of these enhancements for the benefit of the Board.

1 **MOTION:** by Selectman Roth

2 *Move in accordance with RSA 31:95(b) that the Board of Selectmen does hereby accept a*
3 *donation from the Council on Aging in the amount of \$3,578.33 to install sliding glass*
4 *doors at the reception desk and install mirrors in the exercise room at the Ingram Senior*
5 *Center.*

6 **SECOND:** Selectman McBride

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

8 **The motion carried unanimously.**

9
10 Ms. Drelick also recognized Ms. Lois Kurgan who is retiring. Ms. Drelick talked about the
11 proclamation which was given to Ms. Kurgan on behalf of the Board for her achievements
12 and thanked her for her service to the senior community. Selectman McBride thanked Ms.
13 Kurgan on behalf of the Board and wished her well in her retirement.

14
15 **4. Appoint Selectmen Representatives to Boards and Committees**

16 **See notes**

17 Chairman Lyons announced the following Selectmen representative appointments to Boards
18 and Committees:

19 Budget Committee - Selectman McBride (with Chairman Lyons as back up)

20 Chamber of Commerce - Selectman Roth

21 Conservation Commission - Chairman Lyons (with Selectman Barnes as back up)

22 Council on Aging - Selectman Roth

23 Economic Development Action Committee - Selectman Roth

24 Field of Dreams - Selectman Hargreaves

25 Flood Mitigation - Selectman McBride

26 GLSD - Selectman McBride

27 Historic District Commission - Selectman Roth

28 Housing Authority - Selectman Barnes

29 Solid Waste - Selectman Hargreaves (with Chairman Lyons as back up)

30 Museum Committee - Selectman McBride

31 Planning Board - Selectman Barnes (with Selectman Hargreaves as backup)

32 Recreation Advisory Committee - Selectman Hargreaves

33 Route 28 Pedestrian Corridor Committee - Selectman Barnes

34 SE Hazmat Committee - Selectman Barnes

35 Town Wide Stabilization Committee - Chairman Lyons

36
37 Chairman Lyons changed the order of the agenda slightly, moving item 6 up.

38
39 **5. Water Improvements/Rate Adjustment Discussion**

40 Dr. LaBranche introduced the topic, reporting that the Board must address the necessary
41 water rate increase to fund the capital improvements authorized at Town Meeting.

42 Selectman Barnes proceeded with a presentation on the CDM Water Master Plan, showing
43 tiers by projects which will need to be done ahead of particular road projects. He stated there
44 were four tiers, for a total cost of \$6 million, not including water meters, to fix problems
45 within the current distribution system. He confirmed this would equal \$400,000/annually

1 over 15 years. He also showed the slide from the Town Meeting showing the water rate
2 impact.

3
4 In response to a query from Selectman McBride, Ms. Savastano confirmed the new rate
5 would be set for April 1st, meaning that that all consumption will be from April 1st but
6 billing of the new rate would be effective on the first billing cycle after this. Selectman
7 Hargreaves clarified this increase reflects everything agreed at Town Meeting.

8
9 **MOTION:** by Selectman Barnes

10 *Move that the Board of Selectmen does hereby authorize an increase of the water rate*
11 *from \$3.00 per 100 cf to \$3.45 per 100 cf effective April, 2010 with an effective bill date of*
12 *July 1, 2010*

13 **SECOND:** Selectman McBride

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

15 **The motion carried unanimously.**

16
17 Selectman Barnes reported that as requested he had taken a look at water consumption with
18 a view to suggesting threshold points for tiered water rates. He read from three letters the
19 Town has received from DES, stating his understanding from the first DES letters was that
20 implementation of a rate structure should encourage water conservation. He went on to say
21 the language used in the third letter changes with regard to the thrust of tiered rates and he
22 has therefore come back to the Board for further direction.

23
24 ***Discussion:***

25 Responding to Selectman McBride's query as to the number of cities and towns in the state
26 which have tiered water rates, Selectman Barnes reported that Concord was the only place
27 with a tiered system, but the details of how this operated seemed to be the reverse of what
28 the DES has suggested to Salem. He stated he had included for review by the Board a report
29 from a study which had been commissioned by a previous Board on water rates. There
30 followed a discussion in which Selectman Roth suggested the change in the DES's
31 recommendations possibly came after a dry summer. Selectman Barnes suggested the Board
32 hold a workshop on water rates with the author of the letters from the DES to better
33 understand and clarify the change in the verbiage of the letters. The rest of the Board
34 concurred and Chairman Lyons stated he would work with the Town Manager to set up the
35 workshop.

36
37 Presenting a slide of the Unreserved Fund balance which showed the history for five years,
38 Selectman Barnes stated he would recommend they maintain the balance around \$1 million.
39 He went on to suggest the Board combine that with the \$400,000 recently passed and use
40 that money to accomplish the water improvements. Chairman Lyons thanked Selectman
41 Barnes for his work on this topic. There followed a brief discussion with Dr. LaBranche for
42 clarification purposes and Chairman Lyons suggested Ms. Savastano, Finance Director
43 present her recommendations on implementation of new rates.

44
45 Ms. Savastano then provided feedback on the request from the Board at their last meeting
46 with regard to the best time of year to implement new rates. She confirmed the rates should

1 be reviewed in September with implementation in October each year, providing the
2 reasoning behind her recommendation.

3
4 **6. Review Board of Selectmen Bylaws/Code of Ethics**

5 Chairman Lyons handed out copies of the Board of Selectmen bylaws, stating he has drafted
6 a change which would force the Board to review the fund balance every year during budget
7 season. He clarified that the Board should vote on this every year after a review of water
8 and sewer for fiscal solvency even if they decided not to make any changes and the other
9 members of the Board concurred.

10
11 Chairman Lyons suggested they should review the Board of Selectmen code of ethics,
12 asking the members if they had any changes they would like to make. Selectman
13 Hargreaves suggested amending the Rules of Order pertaining to changes to the agenda
14 (page 3), stating he thought the Chairman of the Board should be able to make changes to
15 the agenda. He proposed removing the words “or by a vote of the Board of Selectmen”.
16 There followed a brief discussion of the procedure required to change the code. Selectman
17 Hargreaves also suggested that page 3, section D, II (a) be amended to specify the deadline
18 for submitting items for the agenda to the Town Manager’s office. It was agreed that this
19 should be “no later than Friday at 9:00 a.m.”

20
21 Selectman Roth suggested that Section D, III – Role of the Chairman, should include details
22 of the role of the Vice Chairman and the Secretary. During the discussion which followed,
23 Dr. LaBranche agreed to check whether this and the deadline are already documented in
24 another ordinance before amending the code of ethics. Selectman Roth stated she also
25 thought that the term ‘ex officio’ as mentioned in Section G, II should spell out that this
26 means a voting member of a board or committee. As directed by the Board, Dr. LaBranche
27 also confirmed he would draw up a new document which will include the suggested
28 changes.

29
30 **7. Accept Streets**

31 Dr. LaBranche introduced the topic outlining the roads to be accepted. He provided
32 historical information on each road and reported that staff were not recommending
33 acceptance of Flintlock as the developer needs to complete it by June 2010. Selectman
34 McBride clarified Engineering department has a punch list of things to be done on Flintlock.

35
36 **Paris Street/Graham Avenue:**

37 **MOTION:** by Selectman Hargreaves

38 *I move that the Salem Board of Selectmen does hereby accept Paris Street/Graham*
39 *Avenue based upon the implied acceptance rule due to sufficient historical evidence of*
40 *town maintenance having been provided on this road since at least 1995. Paris*
41 *Street/Graham Avenue is located off Mary Ann Avenue with a right of way being*
42 *approximately 782’ (feet) in length and 17’ (feet) in width. No damages are due to*
43 *abutting property owners based upon a previous dedication of the way, as such abutters’*
44 *property has always been subject to public use, and accordingly, no damages would be*
45 *recoverable in connection with the acceptance.*

46 **SECOND:** Selectman McBride

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

2 **The motion carried unanimously.**

3
4 **Parkview Avenue:**

5 **MOTION:** by Selectman McBride

6 *I move that the Salem Board of Selectmen does hereby accept Parkview Avenue based*
7 *upon the implied acceptance rule due to sufficient historical evidence of town*
8 *maintenance having been provided on this road since at least 1995. Parkview Avenue is*
9 *located off Park Avenue & Main Street with a right of way being approximately 718'*
10 *(feet) in length and 31' (feet) in width. No damages are due to abutting property owners*
11 *based upon a previous dedication of the way, as such abutters' property has always been*
12 *subject to public use, and accordingly, no damages would be recoverable in connection*
13 *with the acceptance.*

14 **SECOND:** Selectman Hargreaves

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

16 **The motion carried unanimously.**

17
18 **Peak Avenue:**

19 **MOTION:** by Selectman Roth

20 *I move that the Salem Board of Selectmen does hereby accept the paved portion of Peak*
21 *Avenue based upon the implied acceptance rule due to sufficient historical evidence of*
22 *town maintenance having been provided on this road since at least 1995. Peak Avenue is*
23 *located off Arlington Shore Drive/Blake Road with a right of way being approximately*
24 *209' (feet) in length and 15' (feet) in width. No damages are due to abutting property*
25 *owners based upon a previous dedication of the way, as such abutters' property has*
26 *always been subject to public use, and accordingly, no damages would be recoverable in*
27 *connection with the acceptance.*

28 **SECOND:** Selectman Barnes

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

30 **The motion carried unanimously.**

31
32 **Plaistead Circle:**

33 **MOTION:** by Selectman Barnes

34 *I move that the Salem Board of Selectmen does hereby accept Plaistead Circle based upon*
35 *the implied acceptance rule due to sufficient historical evidence of town maintenance*
36 *having been provided on this road since at least 1995. Plaistead Circle is located off*
37 *Hooker Farm Road with a right of way being approximately 1,718' (feet) in length and*
38 *10' (feet) in width. No damages are due to abutting property owners based upon a*
39 *previous dedication of the way, as such abutters' property has always been subject to*
40 *public use, and accordingly, no damages would be recoverable in connection with the*
41 *acceptance.*

42 **SECOND:** Selectman McBride

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

44 **The motion carried unanimously.**

Porcupine Circle:**MOTION:** by Selectman Hargreaves

I move that the Salem Board of Selectmen does hereby accept Porcupine Circle based upon the implied acceptance rule due to sufficient historical evidence of town maintenance having been provided on this road since at least 1995. Porcupine Circle is located off Quill Lane & Route 38 with a right of way being approximately 5,341' (feet) in length and 24' (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 unanimously.****Flintlock Road:****MOTION:** by Selectman McBride

Move that the Salem Board of Selectmen does hereby not accept Flintlock Road until the developer has completed the work, and further that the Town provide notice to the developer that all work must be completed by June 10, 2010 or the Town will initiate action to acquire the remaining funds in escrow/letter of credit.

SECOND: Selectman Hargreaves**VOTE:** 5-0-0**The motion carried unanimously.****8. Town Manager's Report**

- a) Responding to Selectman Hargreaves' previous request for data relative to the projected tax increase as a consequence of the ballot vote and Town Deliberative session, Dr. LaBranche reported the increase would be 37 cents (7.7% approximately). He reported this is lower than originally anticipated resulting in a projected rate of \$5.16 on the municipal side.
- b) Dr. LaBranche referred to Mr. Russell's memorandum relative to effluent discharge as a result of flooding last week on Main Street and action steps necessary to correct the problem. He reported he would be having a discussion with staff on Tuesday about this matter. He also referred to a letter to the Board from someone who had been impacted last week as a result of this flooding, as well as a report from the owner of the Rite Aid buildings. Selectman McBride suggested the Town follow up with the DES with regard to the expected action they think the Town should take to resolve the problem. There followed further discussion with Dr. LaBranche on the need for investigation into the cause of the problem. Dr. LaBranche concurred that the DES should be involved as this is a public health issue which needs to be addressed. Selectman McBride commented that the system is old and leaks.
- c) Dr. LaBranche reported he had received enquiries at his office regarding the culvert on Hooker Farm Road. He reported concerned residents want a status report. He went on to provide the Board with a status report, stating he is expecting quotes from contractors,

1 and staff will review these and award a contract on Wednesday. He stated he hoped
2 construction could start next Monday, and talked about the time frame for completion
3 being in the range of several weeks. Dr. LaBranche stated he will use cable TV as well
4 as the Board meeting to announce their expectations for this project.
5

- 6 *d)* Dr. LaBranche reported he had received enquiries and concern about the water level of
7 Wheeler Dam. He stated the gates were closed today to allow the level of the Spicket
8 River to recede. He also stated they hoped to have sufficient capacity to take on the rain
9 expected in the next day or two, and provided an update on Big Island. Dr. LaBranche
10 reported that Chief Breen has submitted his preliminary damage assessment form to the
11 state for last week's storm which he expects to be approximately \$106,007.
12

13 **9. Old Business Tabled/Pending**

14 There was none.
15

16 **10. Selectmen Reports/Correspondence**

17 Selectman Roth reported she had delivered the proclamation to Ms. Kurgen. She stated Ms.
18 Kurgen's son was taken ill and the family had to leave the retirement party. She extended
19 the good wishes of the Board for his recovery. She also thanked Mr. Breen his for work
20 during Dr. LaBranche's absence and during the recent storm.
21

22 Selectman Hargreaves talked about the flooding of Route 111 and the concern about
23 phosphorous contamination, asking whether the Town will test Salem's water supply to
24 ensure it was not contaminated. Dr. LaBranche reported he was working with DPW
25 Director, Mr. Russell and the Canobie Lake Protection Association to ensure the water
26 quality is monitored.
27

28 Referring to the money the Town had previously spent plans for a new police station,
29 Selectman Hargreaves suggested the Board take those plans and look at them again for
30 2012. He also talked about the need to educate the public on this subject. There followed a
31 brief discussion with members of the Board concurring with Selectman Hargreaves, and
32 Chairman Lyons suggested bringing this up in the CIP discussion.
33

34 Selectman McBride extended his thanks to staff for their work during the recent storm.
35 Selectman Hargreaves reminded viewing motorists to check for motor cyclists when they
36 are out on the road.
37

38 Chairman Lyons extended his thanks to staff for their work during the recent storm.
39

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

41 There were none.
42

43 **• Upcoming Meetings**

- 44 ○ March 29, 2010 – with Windham Board of Selectmen at Windham High School – Dr.
45 LaBranche stated he would send the Board a copy of the Underwood Report prior to the
46 meeting

- 1 ○ April 5, 2010 – Board of Selectmen meeting
- 2 ○ April 12, 2010 – Board of Selectmen meeting
- 3 ○ April 26, 2010 – Board of Selectmen meeting

- 4 ● **Upcoming Events**

5 There were none mentioned.

6

7 **ADJOURN**

8 **MOTION:** by Selectman Roth

9 *Move to adjourn to Non-Public session under RSA 91-A: 3 II (a)*

10 **SECOND:** Selectman Hargreaves

11 Chairman Lyons polled the Board:

12 Selectman Roth – yes

13 Selectman Barnes – yes

14 Selectman McBride – yes

15 Selectman Hargreaves – yes

16 Chairman Lyons – yes

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

18 **The motion carried unanimously.**

19

20 There being no further business the Board moved to Non-Public session at 8:10 p.m.

21

22 Notes/minutes taken by: Sandra Maxwell (Recording Secretary)

23

24 Approved: Board of Selectmen

25

26 Date: April 5, 2010