

1  
2  
3  
4  
5  
6

**MINUTES OF THE  
BOARD OF SELECTMEN**

**MEETING OF  
February 5, 2007**

7 The Board of Selectmen held a meeting on Monday, February 5, 2007 the Salem Town Hall, 33  
8 Geremonty Drive, Salem, NH.

9  
10 **PRESENT:** Chairman Michael J. Lyons, Vice-Chairman Everett P. McBride, Jr., Secretary  
11 Elizabeth A. Roth, Selectman Ronald J. Belanger, Selectman Arthur E. Barnes, and Town  
12 Manager Dr. Henry E. LaBranche.

13  
14 **CALL TO ORDER**

15 Chairman Lyons called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and  
16 introduced the Board members and Town Manager Dr. Henry E. LaBranche.

17  
18 **1. APPROVAL OF MEETING MINUTES**

19 **MOTION:** by Selectman Roth

20 *To accept the minutes of the meeting dated January 15, 2007*

21 **SECOND:** Selectman Belanger

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

23 The motion carried unanimously.

24  
25 **MOTION:** by Selectman Roth

26 *To accept the minutes of the meeting dated January 22, 2007*

27 **SECOND:** Selectman Belanger

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

29 The motion carried unanimously.

30  
31 **MOTION:** by Selectman Roth

32 *To accept the minutes of the continuation of the interview session dated January 22, 2007*

33 **SECOND:** Selectman Belanger

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

35 The motion carried unanimously.

36  
37 **2. CHAIRMAN'S COMMENTS**

38 There were no comments made by the Chairman at this point.

39  
40 **3. Public Hearing – Sale of Town Owned Land**

41 Chairman Lyons opened the second public hearing for the sale of town land to Mr. and Mrs.  
42 Sterner and handed over to Dr. LaBranche.

43  
44 Dr. LaBranche provided some background information for the benefit of the Board of  
45 Selectmen and the audience. He explained that Mr. and Mrs. Sterner had built a swimming  
46 pool on the edge of the town land in question, and had erected a shed on the land prior, to

1 realizing that the land belonged to the Town of Salem. He explained that they have  
2 requested an opportunity to purchase the land for \$2,400. He further explained that the  
3 Board of Selectmen needed to authorize or deny the request  
4

5 Chairman Lyons asked for public input, and seeing none closed the public hearing.  
6

7 **MOTION: by Selectman McBride**

8 *To authorize the sale of town land known as Map 120, Lot 9271, off Butler Street, at the*  
9 *request of Joseph and Michelle Sterner with the property to be sold directly to Joseph and*  
10 *Michelle Sterner for \$2,400.*

11 **SECOND: Selectman Belanger**

12  
13 **Discussion:**

14 Selectman Roth stated that Selectman McBride had misread the name of the street in the  
15 motion and Selectman McBride corrected this for the record.

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

17 The motion carried unanimously.  
18

19 **4. Accept Gift for Police K-9 Program**

20 Dr. LaBranche handed over to Lieutenant Fred Rheault, officer in charge of the K-9 unit.  
21 Officer Rheault provided background for the Board of Selectmen, explaining that Mr. David  
22 Garofalo, owner of Two Guys Smoke Shop, had become aware that the town was looking for  
23 a second K-9 unit. Thinking that the town might be short of money for this due to budget  
24 constraints, Mr. Garofalo had sent a check to the town for \$4,000 as a donation. Officer  
25 Rheault explained that the town had subsequently received grant for the second K-9 unit and  
26 that they will use this donation to supplement their units for training etc. He asked that the  
27 Board accept the donation and extend thanks to Mr. Garofalo.  
28

29 **MOTION: by Selectman Belanger**

30 *Move pursuant to RSA 31:95(b) that the Town of Salem accepts a donation from the Two*  
31 *Guys Smoke Shop in the amount of \$4,000 to be use for the Salem Police K-9 program.*

32 **SECOND: Selectman McBride**

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

34 The motion carried unanimously.  
35

36 Selectman Belanger asked that a letter of thanks be sent to Mr. Garofalo from the town.  
37

38 **5. Year End Encumbrances**

39 Dr. LaBranche explained that there was a list of encumbrances for the years end in the Board  
40 of Selectmen packets and that the Board needs to approve the total amount. He then handed  
41 over to Ms. Savastano, Finance Director who explained that she had prepared a cover sheet  
42 providing the total encumbrances for each fund, and a detailed listing of open purchase  
43 orders. She then presented the totals in the cover sheet. Chairman Lyons asked for questions  
44 from members of the Board.  
45

1 Dr. LaBranche stated he wished to make some the observation that most of the items are  
2 significant items, and specifically noted those for the Wheeler Dam for \$1.6million, the ITS  
3 Project and the AS400 Replacement.

4  
5 **MOTION: by Selectman McBride**

6 *Motion to approve the list of encumbrances as of December 31, 2006 in the amount of*  
7 *\$3,747,409.40 in accordance with RSA 32*

8 **SECOND: Selectman Belanger**

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

10 The motion carried unanimously.

11  
12 Chairman Lyons stated that he would now like to take up an item listed under Old Business,  
13 item 12, at this point and asked for a motion to take a previous motion off the table.

14  
15 **6. OLD BUSINESS TABLED/PENDING**

16  
17 **42 Matthias Street – Water Use Abatement Request**

18 The following motion which was made at the meeting on January 22<sup>nd</sup> with respect to 42  
19 Matthias Street water abatement request was taken off the table:

20 **MOTION: by Selectman Roth**

21 *To table a decision on this matter*

22 **SECOND: Selectman Belanger**

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

24  
25 **MOTION: by Selectman McBride**

26 *To take the above motion off the table*

27 **SECOND: Selectman Belanger**

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

29 The motion carried unanimously.

30  
31 Dr. LaBranche began by sharing information on a new water meter validation program which  
32 has been drafted, and asked the Board of Selectmen to implement the new program  
33 immediately. He asked Mr. Rick Russell, Director of DPW to provide an overview of the  
34 program for the Board.

35  
36 Mr. Russell stated that he had met with utilities department representatives to discuss how  
37 they wished to approach the meter validation program. Referring to the material in the Board  
38 of Selectmen's packets, Mr. Russell pointed out the following:

- 39
- 40 ○ The town would be able to check all commercial readers in 2007 with in house staff.
  - 41 ○ One third of all residential and seasonal meters will be checked each year, with the  
42 process beginning again in 2010.
  - 43 ○ The town will have to employ an additional two seasonal employees (in addition to  
44 the two which have been requested in the 2007 budget).
  - 45 ○ Support from the Board of Selectmen and the town will be required for the program  
46 to continue.

1 Mr. Russell invited question from the Board.

2  
3 Chairman Lyons asked Board members if they had any questions.

4  
5 Selectman Roth asked about the salary for the seasonal employees and Mr. Russell stated that  
6 they would receive \$9.00/hour for 11 weeks.

7  
8 Dr. LaBranche commented that the program would address the issue of RSA 508 with  
9 respect to action by the town. He asked that the town build upon this three year cycle in  
10 order that it can meet its obligations. Dr. LaBranche thanked Mr. Russell for his input.

11  
12 Dr. LaBranche stated that they would also be building into the Water Department protocols  
13 and policies which have still to be written. He then asked his staff to explain for the Board  
14 some of the protocols which will be dealt with.

15  
16 Mr. Russell explained that the information had been put together this week and still needs to  
17 be fine tuned and approved by Dr. LaBranche. He then summarized the procedure in the  
18 flowchart provided to the Board in their packets. He clarified that the procedure would not  
19 be carried out until the second quarter, thereby ensuring that validation checks did not stretch  
20 out beyond two quarters.

21  
22 Selectman Roth thanked Mr. Russell, stating that she felt the flowchart was an excellent way  
23 of showing a policy or procedure. Mr. Russell thanked Ms. Savastano and Ms. Crescenzi for  
24 their assistance in putting the materials together.

25  
26 Dr. LaBranche clarified that he would share the final document with the Board of Selectmen  
27 when the policies had been put together into the Water Department protocols. He then went  
28 on to thank Ms. Savastano for putting together the information pertaining to Mr. and Mrs.  
29 Pearson's water abatement application.

30  
31 Dr. LaBranche stated that RSA 508 does apply in this instance, with regards to the three year  
32 time frame and that he had decided to start with the 2004 billing year, through 2006. He then  
33 asked Ms. Savastano to explain the information provided for the Board of Selectmen.

34  
35 Ms. Savastano explained that she had used actual water consumption to come up with  
36 average usage. She then explained how she had arrived at the abatement difference in each  
37 of the two scenarios listed (two person household versus a three person household). She  
38 stated that she had looked at the consumption history, and that consumption had dropped off  
39 in 2004 and she was therefore comfortable with her final figures.

40  
41 Dr. LaBranche explained that he had informed Mr. Pearson about the proposals before the  
42 Board this evening and had suggested that Mr. Pearson meet with Finance Department and  
43 that the meeting had taken place today.

1 **MOTION: by Selectman Belanger**

2 *To grant Mr. and Mrs. Pearson of 42 Matthias Street an abatement in the amount of*  
3 *\$1,116.70*

4 **SECOND: Selectman McBride**

5  
6 **MOTION: by Selectman Roth**

7 *To limit the debate on this matter, and to recognize that the Town of Salem is not setting*  
8 *precedence for water abatements.*

9 **SECOND: Selectman Belanger**

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

11 The motion carried unanimously.

12  
13 ***Discussion on the main motion:***

14 Selectman Barnes stated that he felt that the settlement amount in the motion was too  
15 generous and he would not support it.

16  
17 Selectman Belanger stated that he had wanted to wait until the meter which had been  
18 removed could be checked to see if it was faulty before coming to a decision. However he  
19 felt that since the town had not kept the meter the abatement amount he had proposed was  
20 fair and hoped the residents would be happy with it.

21  
22 Chairman Lyons spoke about what boards and committees do to satisfy residents on  
23 occasion, even although they know how things will turn out. Referring to this particular  
24 instance, he stated that the Board was aware that when meters fail the result is usually in  
25 favor of the residents.

26  
27 Selectman Roth stated that this case had provided an opportunity to address the matter of  
28 water meter validation and hoped that everyone had learned from the experience.

29  
30 Chairman Lyons invited Mr. and Mrs. Pearsons to speak prior to the Board voting on the  
31 motion.

32  
33 Mr. Pearson stated that he did not see how the town could charge them when they could not  
34 test the meter which had been removed.

35  
36 Mrs. Pearson, referring to Selectman Barnes' previous comment about being a delinquent  
37 homeowner and taking better care of their equipment, stated that she would advise anyone  
38 receiving a bill which appeared high to do their homework. She advised residents to call the  
39 Attorney General's office and the Governor's office. She then spoke about the rights of  
40 consumers and the rights and responsibilities of the Board of Selectmen with regards to  
41 testing and checking meters. Mrs. Pearson also referred to when she had gotten her dog  
42 (1998) and access to the property prior to this.

43  
44 Mrs. Pearson also stated that she had received a call from another resident who had received  
45 a bill from the town for backdated water consumption, pointing out that she and her husband  
46 were not the only homeowners in town with this problem.

1 Chairman Lyons closed discussion on the matter and asked the Board to vote on the motion  
2 before them.

3 **VOTE: 3-2-0 (Chairman Lyons and Selectman Barnes opposed the motion)**

4 The motion carried and Chairman Lyons declared the matter concluded.  
5

## 6 **7. 2007 Warrant Articles**

### 7 8 **a. Safer Grant**

9 Dr. LaBranche provided background information for the benefit of the viewers and asked  
10 Chief Breen to speak on the grant which had been received recently by the town.  
11

12 Chief Breen provided the Board with an update on the grant, referring to his previous  
13 presentation. He explained that he had received notification of the grant award on January  
14 26<sup>th</sup>, and that the amount awarded totaled \$414,000. He asked for the motion before the  
15 Board to be accepted. The Chief offered to answer questions.  
16

17 **MOTION: by Selectman Barnes**

18 *To move the following article to the 2007 Town Meeting Warrant with recommendation:*  
19 *Four Firefighters – Staffing for Adequate Fire - and Emergency Response - To see if the*  
20 *Town will vote to raise and appropriate the sum of One Hundred-Twenty Eight Thousand*  
21 *One Hundred Ninety Dollars (\$128,190), for the purpose of Staffing for Adequate Fire*  
22 *and Emergency Response (SAFER). This appropriation will be offset by an approved*  
23 *Department of Homeland Security grant totaling Seventy Four Thousand Five Hundred*  
24 *Twenty Dollars (\$74,520). The balance of Fifty Three Thousand Six Hundred Seventy*  
25 *Dollars (\$53,670) will be funded via taxation.*

26 **SECOND: Selectman McBride**

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

28 The motion carried unanimously.  
29

30 Chief Breen explained that he had information pertaining to Selectman Belanger's previous  
31 request for statistics on response times etc and proceeded to hand the information out to  
32 board members.  
33

34 Selectman McBride commented that he felt this would be the first step in getting a fourth full  
35 time maintenance staff member.  
36

37 Selectman Roth congratulated the Chief for being persistent in going after the grant. She  
38 stated that she was excited for him and the town for having received the grant. Chief Breen  
39 explained that there had been 12 requests for the grant this year within the State and that of  
40 the two other towns who had also received the grant, Salem received the largest award.  
41

### 42 **b. Taylor Reservoir**

43 Dr. LaBranche provided background on the problem at the Taylor Reservoir, explaining that  
44 the town had the responsibility to drain it until repairs could be done. He talked about his  
45 requests for estimates, stating that he recommended the quote provided by HTE and that the

1 Engineering Director, Mr. Puff had recommended 20% contingency be included in the  
2 figure.

3  
4 **MOTION: by Selectman Belanger**

5 *To move the following article to the 2007 Town Meeting Warrant with recommendation:*  
6 *Taylor Dam Reservoir - To see if the Town will vote to raise and appropriate the sum of*  
7 *One Hundred Ninety Seven Thousand Dollars (\$197,000) to repair and rehabilitate an*  
8 *area below the spillway at Taylor Dam on Taylor Pond, an impoundment on the Spicket*  
9 *River, and to authorize an amount of \$197,000 from the general fund.*

10 **SECOND: Selectman McBride**

11  
12 Chairman Lyons asked Dr. LaBranche what the status was of budget figures and Dr.  
13 LaBranche stated he would get back to the Board on this next week. He stated that he  
14 wished to put all the numbers together in time for the Deliberative session. He also referred  
15 to two petition warrant articles that would come before the Board next week.

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

17 The motion carried unanimously.

18  
19 **8. Police Station Study Committee Site Recommendation**

20 Selectman Barnes referred to his memo dated January 30<sup>th</sup>, which was in the Board of  
21 Selectmen's packet and what it recommends – that is the placement of a new police station  
22 east of the existing building on the same site as the existing station. He then spoke of the  
23 mitigation and flooding problem which needs to be addressed, with or without the new police  
24 station being built. He stated that the Police Building Committee had asked him to request  
25 that this matter be added to the CIP Roadway Improvement Program.

26  
27 Mr. Bill Scott, Community Development Director, stated he will take look at the scope as  
28 indicated by Selectman Barnes to create the engineering scope for flooding and would  
29 identify solutions with the Conservation Commission, returning to the Board with details  
30 within a couple of meetings.

31  
32 **MOTION: Selectman Barnes**

33 *The Board of Selectmen concurs with the recommendation of the Police Building*  
34 *Committee as per the report dated January 30<sup>th</sup> 2007. Further the Board requests that the*  
35 *Town Manager instruct the appropriate departments to prepare an analysis to address the*  
36 *drainage along Veterans Memorial Parkway in conjunction with the Police Building*  
37 *efforts.*

38 **SECOND: Selectman McBride**

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

40 Chairman Lyons commended Selectman Barnes for his part in this matter.

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

42 The motion carried unanimously.

1 **9. Historic District Commission Recommendation – Train Station**

2 Dr. LaBranche explained that there had been a recommendation from the Historic District  
3 Commission relative to the Depot train station and asked Mr. Scott to address the Board with  
4 the details.

5  
6 Mr. Scott handed out photos and plans to Board members providing information on what will  
7 be slated for demolition. He referred to the letter dated January 30<sup>th</sup> from the Historic  
8 District Commission and their agreement to demolish the new structure. He stated he would  
9 set the scope for abatement and demolition and would work with the volunteers, and  
10 explained how the project will proceed. He explained that he has received the preliminary  
11 scope from the engineers and will obtain bids for the project. He then explained the  
12 Department of Interior's approach of rehabilitation to be used as the standard for the train  
13 station repairs etc., stating that they would follow this standard.

14  
15 **MOTION: by Selectman Roth**

16 *The Board of Selectmen concurs with the vote of the Historic District Commission as per a*  
17 *letter dated January 30th 2007, and recommends the removal of the inappropriate office*  
18 *addition from the Depot Train Station. Further, the Board finds that the removal will*  
19 *increase the possible area for traffic improvements to the Depot Intersection. The Board*  
20 *hereby requests that the Town Manager instruct the appropriate departments to prepare*  
21 *specification and bid documents to carry out this vote.*

22 **SECOND: Selectman Belanger**

23  
24 Selectman Roth explained that she had contacted Beverly Glynn who had confirmed that the  
25 coordinated effort with the citizens group and engineering would save money. Mr. Scott  
26 explained that there would be efficiency without causing safety issues for volunteers

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

28 The motion carried unanimously.

29  
30 **10. First Deliberative Session**

31 Dr. LaBranche referred to the list of warrant articles within the Board of Selectmen's packets  
32 and explained the process required by the Board to assign motions and seconds for the  
33 Deliberative session.

34  
35 The Board assigned motions and seconds to the warrant articles as follows:

36

Article	Description	Motion	Second
18	Town wide bridge – crossing and hydrology program	Selectman Roth	Selectman McBride
19	North Main Street water line	Selectman McBride	Chairman Lyons
20	Citizen Petition – purchase of land/related structures for conservation	George Jones	Not assigned
21	2007 Operating Budget	Budget Committee to assign	Budget Committee to assign
22	Fund Fire Employees Union contract	Selectman Barnes	Selectman McBride

23	Fund Police Employees Union contract	Selectman Belanger	Chairman Lyons
24	Fund Clerical/Admin. Employees Union contract	Selectman Roth	Selectman Belanger
25	Fund Professional Employees Union contract	Selectman McBride	Selectman Barnes
26	Fund Public Works Employees Union contract	Selectman McBride	Selectman Barnes

1  
2 **11. TOWN MANAGER'S REPORT**

3 Dr. LaBranche referred to the copy of the progress report in the Board of Selectmen's packet  
4 dated February 2<sup>nd</sup>, with respect to the Ingram Senior Center and the housing of Servicelink.  
5 He explained that an addition will not be built as previously outlined, and provided a status  
6 report to the Board. He explained that whatever plans they come up with must be brought  
7 back to the Board of Selectmen for approval, but until the matter is resolved Servicelink will  
8 continue to be located at the Foss School.  
9

10 Dr. LaBranche also reminded Board members of their 7:00 a.m. meeting on February 10<sup>th</sup> at  
11 Bickfords Restaurant.  
12

13 **12. SELECTMEN REPORTS/CORRESPONDENCE**

14 Selectman McBride referred back to the policy regarding water meter validation, stating that  
15 in his opinion the town should shut water off after reasonable attempts have been made by  
16 the town to gain access to a meter, and stated he felt they needed to be aggressive regarding  
17 this.  
18

19 It was confirmed that the Town meeting would take place on Saturday February 10<sup>th</sup> at 9:00  
20 a.m.  
21

22 Selectman Belanger referred to littering on East Broadway, and that in his opinion the police  
23 should apprehend and charge people caught littering in an effort to keep the town clean.  
24

25 • **ADDITIONS AND/OR REQUESTS BY PUBLIC OR BOARD BY VOTE**

26 None  
27

28 • **UPCOMING MEETINGS**

- 29 ○ February 10, 2007 (First Deliberative Session)
- 30 ○ February 12, 2007
- 31 ○ February 26, 2007

32  
33 • **PUBLIC INPUT**

34 Mr. Stephen Campbell stated he had been asked to attend by Mr. and Mr. Pearson to provide  
35 support and he wished to comment on their treatment at the meeting this evening. He pointed  
36 out that he did not feel that Mrs. Pearson had been out of order when she spoke and objected to  
37 the manner in which Chairman Lyons had cut her off and the fact that none of the other Board

1 members had said anything at that point. He further made comments regarding how the Board  
2 had responded and treated the Pearsons for criticizing them.

3  
4 Selectman Belanger responded that he felt the Board members had done what they felt was right  
5 and that he personally had voted for the abatement, and that he thought the decision was a fair  
6 one.

7  
8 **ADJOURN**

9 **MOTION: Selectman McBride**

10 *To adjourn the meeting*

11 **SECOND: Selectman Belanger**

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

13 Without further business, Chairman Lyons adjourned the meeting at 8:06 p.m.

14  
15 Notes/Minutes Taken by: Sandra Maxwell

16  
17 Approved: Board of Selectmen

18  
19 Date: February 12, 2007