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MINUTES OF THE BOARD OF SELECTMEN

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MEETING OF August 13, 2007

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The Board of Selectmen held a meeting on Monday, August 13, 2007, the Salem Town Hall, 33 Geremonty Drive, Salem, New Hampshire.

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

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CALL TO ORDER

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

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1. MEETING MINUTES

MOTION: by Selectman Barnes

To approve the minutes of June 25, 2007

SECOND: Selectman Lyons

VOTE: 5-0-0

The motion carried.

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MEETING MINUTES

MOTION: by Selectman Lyons

To approved the minutes of July 16, 2007 as printed

SECOND: Selectman Roth

VOTE: 4-0-1, Selectman Barnes in the minority

The motion carried.

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MEETING MINUTES

MOTION: by Selectman Lyons

To approved the non-public session minutes of July 16, 2007 as printed

SECOND: Selectman Roth

VOTE: 4-0-1, Selectman Barnes in the minority

The motion carried.

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2. Chairman Comments

Chairman McBride stated that he had no comments at this time.

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3. Approval of Town Manager Contract

Dr. Henry LaBranche highlighted the employment agreement between the Town of Salem and Jonathan Sistare, and noted it would be available to the public on the morning of August 14, 2007. He commented that this was a standard contract with regards to severance pay,

1 salary and termination. He also added the candidate would be receiving a \$2,000.00 health
2 stipend and a \$3,000.00 car allowance, as well as typical holidays.

3 ***Motion by Selectman Hargreaves to authorize the Chairman of the Board of Selectmen to***
4 ***sign a 3-year employment agreement with Jonathan Sistare effective October 1, 2007 to***
5 ***September 30, 2010.***

6
7 **SECOND: Selectman Lyons**

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

9 The motion carried.

10
11 ***Input from the Board:***

12 Dr. LaBranche also pointed out that the salary would be reviewed on an annual basis, and a
13 raise would be based on performance. Chairman McBride commented that the salary range
14 for this position was \$115,000.00 – \$125,000.00, and noted the initial year the salary would
15 be \$118,000.00. Selectman Hargreaves asked if the contract would be available tomorrow
16 for viewing. Dr. LaBranche indicated it would be available through Maureen Witley at the
17 Town Manager's Office.

18
19 **4a. Recreation Director-Naming of the Field Policy Recommendation**

20 Salem Youth Baseball director Steve Stewart requested that the Board of Selectmen consider
21 naming the 60-foot diamond stone dust field at Michele Memorial Park as "Veteran's Field,
22 after not only the two fallen soldiers from Salem, but after all who serve our country. Julie
23 Kamal noted that the naming required authorization, as stipulated by documents dated
24 October 2003, and added that the proposal was presented to the Recreation Advisory
25 Committee at their meeting in June and the Committee had approved the request, therefore
26 she was looking for the Selectman's approval.

27
28 ***Motion by Selectman Hargreaves that in recognition of the citizens of Salem who are***
29 ***servng or have served in the United States Military, the Board of Selectmen do hereby***
30 ***name the 60-foot diamond stone dust field at Michele Memorial Park as Veteran's Field.***

31
32 **SECOND: Selectman Lyons**

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

34 The motion carried.

35
36 **4b. Recreation Director - Michele Memorial Park – Shed Expansion**

37 Salem Youth Baseball Director Steve Stewart requested that the Board of Selectmen approve
38 an expansion of the shed at Michele Memorial Park. In 2004, the Board of Selectmen
39 authorized Salem Youth Baseball to construct a 28' x 14' storage shed at Michele Memorial
40 Park. Salem Youth Baseball states that the shed is no longer large enough to accommodate
41 their needs and are requesting that the Board allow them to increase the size from its current
42 28'x14' to 28'x40', which would allow them to house all equipment, which would ensure
43 increase its usefulness over time

Discussion:

Selectman Barnes asked if this building was in the middle of the field. Steve Stewart responded that this was the building up against the fence near the batting cages.

Selectman Hargreaves asked if this building was going to be wider or deeper. Steve Stewart responded that it would be closer to the existing pathway. Selectman Hargreaves asked if the fence would have to be moved. Steve Stewart responded it would not.

Motion by Selectman Roth to approve the request of Salem Youth Baseball league to increase the size of their storage shed at Michele Memorial Park with the following stipulations:

- 1. Cost of the shed is to be absorbed by the Salem Youth Baseball league with the understanding that the Town of Salem will help the league with this cooperative venture.**
- 2. If permits are needed, the league must obtain all permits prior to construction (fees should be waived).**
- 3. A contract will need to be signed by the Town of Salem and the Salem Youth Baseball league to determine who is responsible for the shed, etc.**
- 4. Salem Youth Baseball is responsible for maintaining the upkeep of the shed and the structure must remain in good condition.**
- 5. Salem Youth Baseball must continue insurance coverage on the shed structure and the contents in the building.**
- 6. The abutters of Michele Memorial Park will be sent a letter informing them of the start date and end date of the proposed project.**
- 7. Salem Youth Baseball will work with the Recreation Department and Public Works Department regarding the scheduled work date.**
- 8. Upon completion of the project, all areas must be restored to their original condition**

SECOND: Selectman Lyons**VOTE: 5-0-0**

The motion carried.

5. Finance Director - Fund Balance Policy

In response to the Board of Selectmen request that the Town consider adopting a Use of Fund Balance Policy with regard to the use of Capital Reserve Funds and Special Revenue funds Dr. LaBranche stated that it had been recommended by the Finance Director after some research and analysis that the Water and Sewer fund balance, (B) and the Capital Reserve Fund, (C) should maintain a minimum balance of 10%, and that the General Fund, (A)

1 should maintain a minimum balance of 6%. He further noted that the standard was 5-10%,
2 which included a gross appropriation for the School, Town and County. In conclusion he
3 stated that these would be minimum recommendations to protect the future of Salem.
4

5 ***Discussion:***

6 Selectman Barnes indicated that he would like ample time to review the documentation and
7 the numbers.
8

9 Selectman Lyons indicated he would agree with the premise and support item B, the
10 minimum balance for the Water and Sewer fund and asked how close we were to hitting
11 these minimum balance goals. Dr. Henry LaBranche responded that the balance in all three
12 accounts was approximately 4.8 million, noting Water was on target, Capital reserve was
13 over 100%, and the General fund was close.
14

15 Chairman McBride stated that Water and Sewer were truly a rainy day fund, and asked why
16 the appropriation was used to affect the tax rate. Dr. LaBranche responded that this was a
17 recommendation made by the Selectman at Budget time, and he was merely fulfilling this
18 request. Chairman McBride commented that if we borrowed we would be paying interest.
19

20 Selectman Lyons would like to look at the documentation and the numbers, as well as the
21 financial statements. He would also like to take into consideration the restrictions being
22 placed on the general fund.
23

24 Selectman Barnes commented he would like enough money to be kept in the General Fund
25 so that we would not have to borrow against taxes. After much discussion it was decided that
26 this conversation would be re-visited on August 27th, 2007, when more information would be
27 provided by Dr. LaBranche including trends of last four years. Chairman McBride closed the
28 discussion.
29

30 ***Motion Tabled until meeting of August 27, 2007 when more information is available.***
31

32 **6a. Community Development Director - Veterans Memorial Parkway Drainage-Authorize**
33 **Expenditure from Roadway Capital Reserve Trust Fund**

34 Community Development Director Bill Scott will be seeking authorization to use \$75,000
35 from the Roadway Capital Reserve Fund for a Veterans Memorial Parkway drainage project.
36 The primary goal of this project is to create documents and plans necessary to construct a
37 solution to the existing flooding issues onto the roadway, and compensate for development
38 on the site to reduce impacts on the roadway.
39

40 Flooding during high rainfall events can reach the centerline of the adjacent Veterans
41 Memorial Parkway. This creates issues with traffic management and public safety access for
42 a major east west connection to Town and School facilities. The intent of the Veterans
43 Memorial Parkway Drainage Project is to create drainage systems to address the street
44 flooding and compensate for the high rain event flows, while also creating drainage capacity
45 for additional projects that may affect drainage flow onto the roadway.
46

The project will accomplish the following general outcomes:

- 1 • Create a design for drainage systems to provide flood storage capacity during severe
- 2 events.
- 3 • Address any flow issues to and from the site to adjust such flow to the compensation.
- 4 • Provide engineering recommendations and designs for the above.
- 5 • Provide permitting documents and plans as necessary for constructability.
- 6

7 **Discussion:**

8 Chairman McBride asked if this project was from Freedom down to the Police Station site.
9 Mr. B. Scott indicated that was correct.

10
11 Selectman Hargreaves referenced the Train Station, Haigh Avenue, etc. and asked if any of
12 these approved projects had been completed. Mr. B. Scott informed that the bid for the train
13 Depot would be going out at the end of the month and that Hague is being worked on and
14 had 14 recommendations. Chairman McBride interjected that projects occur in multiple
15 stages, and added that just because you cannot see the work does not mean it is not being
16 done. He also added that the Train Station was being worked on and there was an issue of
17 asbestos. Mr. B. Scott indicated that \$15,000.00, had been for design, and \$30,000.00 was for
18 demolition at the train station.

19
20 Selectman Lyons wanted to make it clear that the Town had not misused or misappropriated
21 any funds, and added that all projects were ongoing.

22
23 Selectman Barnes added that the wetlands project was linked to the Police Station and ir-
24 regardless if the Police Station was approved the wetlands would still need to be done and
25 noted it takes time for the permits to become approved and pass through DES.

26
27 ***Motion by Selectman Lyons to authorize the expenditure of a sum not to exceed \$75,000***
28 ***from the Roadway Capital Reserve Fund for the design, bidding, permitting, and ancillary***
29 ***studies for the Veterans Memorial Parkway Drainage and Flood Control Project as***
30 ***described in the memorandum dated July 31, 2007 from the Community Development***
31 ***Director.***

32
33 **SECOND: Selectman Barnes**

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

35 The motion carried.

36
37 ***Input from Board:***

38 Selectman Hargreaves asked for more frequent updates on projects when available.

39 Chairman McBride added that the Board would be receiving updates on August 27, 2007

40 Dr. Henry LaBranche added that quarterly updates are given by Mr. B. Scott and Mr. B. Puff
41 on all projects.

42
43 Selectman Roth commented that the purpose of the liaisons was to update all the boards, and
44 related her past experience with other committees,
45

1 Chairman McBride called for a point of order, and stated that the liaisons provide updates for
2 the members and boards.

3
4 Selectmen Hargreaves indicated that the public should be kept informed. Chairman McBride
5 concurred and stated the public will be informed.

7. **Lancaster Fund Disbursement Policy**

8 Following the Lancaster Fund disbursements in March, the Board of Selectmen discussed the
9 possibility of scheduling a workshop on how the Board wants to deal with future distribution
10 of Lancaster funds. The Board requested that I obtain a history of what groups have received
11 donations over a 10-year period, as well as the original intent of the Lancaster Fund with
12 regard to how funds should be spent.

13
14 Included in your packet is information prepared by Tax Collector Cheryl Bolouk (who also
15 assists the Trustees of the Trust Funds). Cheryl has prepared a 10-year history of the fund
16 including yearly-earned income and disbursements for each organization. Also included is a
17 copy of the Trust Instrument as well as an opinion letter from Soule, Leslie, Kidder regarding
18 the interpretation of the Trust Instrument. You will note that Cheryl also stipulates in her
19 memo that the Board voted in 1990 not to allow the fund to go below \$100,000. I have
20 included a copy of the minutes from that meeting as well.

21
22 Additionally, in June 1994, the Board of Selectmen established a policy with regard to when
23 organizations may request funds from the Lancaster Fund. The policy established by the
24 Board states that in mid January, a press release would be prepared and posted notifying
25 organizations that requests will be accepted for a 30-day period with the Board considering
26 their requests at a future meeting. Included in your packet is a copy of the minutes from that
27 meeting.

28 ***Discussion:***

29
30 Selectman Barnes commented that the original intent of the fund was for the disadvantaged
31 and handicapped in his opinion, and noted he would like it to remain true to its intent.

32
33 Selectman Hargreaves commented he would like it to remain as it is.

34
35 Chairman McBride stated he understood Selectman Barnes proposal, but noted he does not
36 see any abuse with regard to intent, and noted this is a significant donation with which the
37 Town can make an impact and should.

38
39 Selectman Lyons commented he would like to see Dr. Henry LaBranche set up a policy or
40 tradition in place to honor Mr. Lancaster. He suggested some type of application process, and
41 one award per year of a more nominal value. Selectman Barnes concurred.

42
43 Chairman McBride stated he disagrees with the other Board members that we have not met
44 the true intent of the fund, and comments he is torn as to how money should be disbursed if
45 we limit the application process.

1 Selectman Hargreaves suggested that the Board look at the history.

2
3 Dr. Henry LaBranche commented that there is an application process in affect, and the
4 applicants are also required to submit financial statements,

5
6 Selectman Hargreaves commented that the Board can vote for or against the disbursement
7 requests brought before them. Dr. LaBranche commented that the ultimate decision is up to
8 the Board of Selectmen

9
10 Each member stated his or her personal preference as far as disbursement and the vote is
11 called on the following motion:

12
13 *Motion by Selectman Lyons to authorize an application process for disbursement of the*
14 *Lancaster Fund, as well as make one award per year.*

15
16 **SECOND: Selectman Barnes**

17 **VOTE: 2-3-0, in the minority Selectman Hargreaves, Selectman Roth and Chairman**
18 **McBride**

19 The motion failed.

20 21 **8. Town Manager's Report**

22 Dr. Henry LaBranche informed the Board that the Town had received the following
23 notification that the NH DOT will be reimbursing the Town for damages to Route 28
24 (\$20,703.53) and Main Street (\$17,055.00) during the May 2006 flood event. .

25
26 He also informed the Board that Ed Callaghan CEO of Rockingham Park had requested the
27 Town provide testimony before the House Sub Committee in support of electronic gaming at
28 Rockingham, by sending either himself or a Selectman. He added that the hearing was
29 scheduled for Tuesday August 21st with the time to be determined.

30
31 *Motion by Selectman Hargreaves to authorize the Board of Selectmen to have Dr. Henry*
32 *LaBranche represents the Town at the hearing on August 21, 2007 with regards to video*
33 *gaming.*

34
35 **SECOND: Selectman Lyons**

36 The motion failed.

37 38 *Discussion:*

39 Selectman Barnes asked the Board what its position would be for video gaming.
40 Selectman Hargreaves noted the Home Rule and stated the representative would be
41 representing the whole Town, and as indicated by a previous vote in a prior year the Town
42 would be in favor of this.

43
44 Selectman Lyons noted that the people have the final vote. Selectman Roth echoed his
45 sentiment and said we should watch trends, and noted the voters can void this if they so
46 choose.

1 *Motion by Selectman Hargreaves to authorize Selectman Barnes to represent the Town at*
2 *the hearing on August 21, 2007 with regards to video gaming.*

3
4 **SECOND: Selectman Lyons**

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

6 The motion passed

7
8 **9. Selectmen's Reports/Correspondence**

9 Selectman Hargreaves updated the Board regarding his efforts to update policy SMC 309-6
10 relative to what are permitted uses in residential districts, specifically commercial vehicles
11 parked in residential neighborhoods. He stated that they are still trying to come up with
12 height, length and weigh specifications.

13
14 Selectman Hargreaves also brought up the following issues/announcements:

- 15
16 1) Stop sign at Cluff.
17 2) Complaint from residents regarding Budman/Oakridge, in need of a four way stop
18 instead of a two way stop.
19 3) Announce the Salem retirement Party for the Salem Police Officers at Canobie Lake
20 Park, tickets now on sale at the Police Station for \$30.00.
21 4) The Salem Holiday Parade is in full swing.

22
23 Chairman McBride indicated that road repairs were underway.

24
25 Selectman Barnes indicated that the preliminary numbers for the Police Station might
26 increase.

27
28 **10. Old Business Tabled/Pending**

29 **None**

30
31 **• ADDITIONS AND/OR REQUESTS BY PUBLIC OR BOARD BY VOTE**

32
33 Larry Wyle, 11 Palmer Street referenced the pothole patching and suggested the Town look at a
34 better solution, as the patching does not last very long. He suggested a shim coat on these roads
35 to keep the surface more even, and drivable.

36
37 **• UPCOMING MEETINGS**

- 38 ○ August 27, 2007
39 ○ August 30, 2007
40 ○ September 4, 2007
41 ○ September 5, 2007
42 ○ September 6, 2007
43 ○ September 10, 2007
44 ○ September 17, 2007
45 ○ September 24, 2007
46 ○ September 26, 2007

1 • **UPCOMING EVENTS**

2

3 **MOTION: Selectman Lyons**

4 *To move to adjourn the meeting*

5 **SECOND: Selectman Hargreaves**

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

7

8 The motion carried unanimously, and without further business, Chairman McBride adjourned at
9 8:30 PM.

10

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

12

13 Approved: Board of Selectmen

14

15 Date: August 27, 2007