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**MINUTES OF THE
BOARD OF SELECTMEN**

**MEETING OF
October 15, 2007**

7 The Board of Selectmen held a meeting on Monday October 15, 2007, at Salem Town Hall, 33
8 Geremonty Drive, Salem, NH.

9
10 **PRESENT:** Chairman Everett P. McBride, Vice-Chairman, Elizabeth A. Roth, Secretary Arthur
11 E. Barnes, Selectman Michael J. Lyons, Selectman Patrick Hargreaves, and Town Manager Mr.
12 Sistare.

13
14 **CALL TO ORDER**

15 Chairman McBride called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. He
16 introduced the Board members and Town Manager Mr. Sistare.

17
18 **1. Meeting Minutes**

19 **MOTION:** by Selectman Barnes

20 *To approve the minutes of the Board of Selectmen meeting on September 24th, 2007 as*
21 *written*

22 **SECOND:** Selectman Lyons

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

24 The motion carried unanimously.

25
26 **MOTION:** by Selectman Lyons

27 *To approve the minutes of the Board of Selectmen meeting on October 1st, 2007 as written*

28 **SECOND:** Selectman Roth

29 **VOTE:** 4-0-1 (Selectman Barnes abstained as he had been absent)

30 The motion carried.

31
32 **2. Chairman Comments**

33 There were no comments from Chairman McBride.

34
35 **3. School District Request – Impact Fees**

36 In response to Selectman Hargreaves' query as to where the impact fees were coming from,
37 Chairman McBride explained they were impact fees allocated to the school district.

38
39 **MOTION:** by Selectman Barnes

40 *Motion to release to the Salem School District \$413,290 in school impact fees, which*
41 *equals the fees and interest from January 1 to December 31, 2002, to be used to pay down*
42 *the bond pertaining to the renovations to Woodbury School, Fisk School, and Soule*
43 *School*

44 **SECOND:** Selectman Lyons

1 **Discussion:**

2 Selectman Roth clarified with Chairman McBride and Mr. Sistare that the school impact fees
3 are required to be kept in a separate fund and did not impact the Town. Chairman McBride
4 stated he thought they were already figured into the tax rate calculations, and Mr. Sistare said
5 would check on this.

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

7 The motion carried unanimously.

8
9 **4. Sale of Town Land**

10 **MOTION:** by Selectman Roth

11 *Move to remove from the table discussion on the sale of town owned land to Tony and*
12 *Vicky Shum.*

13 **SECOND:** Selectman Lyons

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

15 The motion carried unanimously.

16
17 **Discussion:**

18 Selectman Roth spoke as representative to the Planning Board, stating the Planning Board
19 were concerned regarding what the land will be used for and suggested the Board of
20 Selectmen have a notation in the deed to the land which stipulates there should be no
21 building upon the land.

22
23 Selectman Lyons asked for clarification regarding the possible use by the Town which
24 Engineering Department had previously commented on. Chairman McBride pointed out
25 there were two other lots which the Town could use for the purposes outlined by
26 Engineering. There was a discussion in which Chairman McBride stated the advantages to
27 the Town of leaving the land as two separate lots. The Board asked Mr. Bob Puff, Director
28 of Engineering to comment from an Engineering point of view and he explained the Town
29 might possibly need the land to place a pump station on it and advised the Board to delay
30 selling the land until they knew whether the pump station would be built or not. There was
31 further discussion on the possible need for the pump station.

32
33 **MOTION:** by Selectman Hargreaves

34 *Move to sell town-owned property at 241 North Main Street, known as Map 29, Lot 5653,*
35 *at the request of Tony and Vicky Shum. Property to be sold at public auction and on such*
36 *terms and conditions as the Selectmen shall determine are in the best interest of the Town*
37 *and with a minimum acceptable bid of \$3,500 and further to stipulate that a restriction be*
38 *placed on the property that the lot shall not be built upon.*

39 **SECOND:** Chairman McBride

40
41 **Discussion:**

42 Selectman Hargreaves provided an argument for selling the land. Chairman McBride agreed
43 with him, pointing out there would be advantages to the Town as it will get tax revenue on
44 the land. Selectman Barnes pointed out there were two other lots owned by the Town which
45 could be used for the pump station

1 Both Selectman Roth and Selectman Lyons spoke about the possibility of future water and
2 sewer for the North Salem, stating that there is normally no impact on the Town when they
3 agree to sell Town owned land.

4
5 **VOTE:** 2-3-0 (Selectman Hargreaves and Chairman McBride voted for the motion)

6 The motion failed.

7
8 **MOTION:** by Selectman Lyons

9 *Move not to sell town-owned property at 241 North Main Street, known as Map 29, Lot*
10 *5653, as requested by Tony and Vicky Shum.*

11 **SECOND:** Selectman Barnes

12 **VOTE:** 3-2-0 (Chairman McBride and Selectman Hargreaves opposed the motion)

13 The motion carried.

14
15 Chairman McBride asked Mr. Sistare to notify Mr. and Mrs. Schum of the Board's decision.

16
17 **5. Use of Remaining Funds from 2006 Road Program Bond**

18 Mr. Sistare explained Town Counsel has reviewed this request, and the opinion is that these
19 funds can be used for other roads in the Town.

20
21 **MOTION:** by Selectman Roth

22 *Motion to remove from the table the decision on use of the remaining funds from the 2006*
23 *Arterial Road Program Bond*

24 **SECOND:** Selectman Barnes

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

26 The motion carried unanimously.

27
28 Mr. Bob Puff, Director of Engineering introduced himself. He referred to having come
29 before the Board in September regarding this matter and to his memo of October 12th, 2007
30 in which he provided a budget update, cost projections and he explained the remaining funds
31 of \$1.05 million would be enough for completing the sections of North Main Street and
32 Haverhill Road he previously presented.

33
34 **Discussion:**

35 Selectman Hargreaves asked about the timing of the work to be done on the culvert and
36 bridge at Mill Pond, and about advance notification to abutters. Mr. Puff explained they
37 hoped the area would be open to one way traffic by Thanksgiving and completed by
38 Christmas, outlining the schedule. At the request of Selectman Lyons who felt that
39 clarification was necessary, Mr. Puff explained what the money being requested tonight
40 would be used for Haverhill Road and further south on North Main Street.

41
42 At the request of Selectman Roth, Mr. Puff explained why the project is under budget by
43 \$1.05 million and provided some background on the bond. Selectman Roth clarified for the
44 benefit of viewers that the Board of Selectmen has the authority to re-allocate the remaining
45 funds within the Road Program because of the wording of the warrant article which had been
46 approved at Town meeting, and Selectman Lyons provided more background.

1 There was further discussion, which included discussion on alternative fiscal options for the
2 remaining funds, which included the possibility of giving the funds back to the taxpayers and
3 saving interest on the bond. Selectman Hargreaves asked for clarification on how close to
4 the bond amount they will spend, and Mr. Puff explained the difficulty in projecting costs,
5 providing the various reasons why.
6

7 Mr. Puff clarified that, assuming the Board of Selectmen voted their recommendation on the
8 use of the remaining funds; design work would take place over the winter, going out to bid in
9 March for a spring start to the work. He confirmed there was no additional construction
10 work anticipated this year.
11

12 **MOTION:** by Selectman Barnes

13 *Motion to authorize the remaining funds from the 2006 Arterial Road Program Bond for*
14 *the purposes of additional road work on North Main Street and Haverhill Road*

15 **SECOND:** Chairman McBride
16

17 **Discussion:**

18 Selectman Hargreaves obtained clarification of what work would be done on the roads in
19 question with the remaining funds and how far along the roads they should go with the work.
20 The Board members debated the pros and cons of approving the motion, and the budgetary
21 issues confronting the Town. There was a brief discussion around wording in the motions
22 with Mr. Puff explaining there were in effect the same.
23

24 **MOTION:** by Selectman Hargreaves

25 *Move to amend the motion on the floor to add “generally from the Derry Town line to*
26 *Klein Drive”*

27 **SECOND:** Chairman McBride for discussion
28

29 **Discussion:**

30 Mr. Puff sought clarification on the amendment to the motion and it was stated that it did not
31 mean that Klein Drive itself would be paved.
32

33 Mr. Sistare voiced his concern about what might happen in the situation where the Town
34 receives an unfavorable bid for the work and the approved motion is so specific about the
35 work to be done. He explained this was why the wording in the original motion was less
36 restrictive, and also why it did not specify the amount of money and where the work should
37 end.
38

39 Mr. Puff stated for the record that it was his intention to complete North Main Street down to
40 Wheeler Dam Road. He stated if it was necessary to make a cut he would do so on Haverhill
41 Road. Chairman McBride clarified with Selectman Hargreaves his intention by amending
42 the motion was that work should not go beyond Klein Drive.
43

44 **VOTE:** 3-2-0 (Selectman Barnes and Selectman Lyons voted against the motion)

45 The motion carried.
46

1 The motion was re-stated in its entirety as follows for the record by Selectman Roth:

2 ***Motion to authorize the remaining funds from the 2006 Arterial Road Program Bond for***
3 ***the purposes of additional road work on North Main Street and Haverhill Road generally***
4 ***from the Derry Town line to Klein Drive***

5 Selectman Lyons confirmed with Mr. Puff that the plan is to complete all of the work in
6 2008.

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

8

9 **6. Cluff Road Stop Sign**

10 Chairman McBride explained about two other intersections which have similar problems but
11 with more traffic. He stated in his opinion Cluff Road should have a caution sign and the
12 stop sign should be removed. He handed over the Chair of the meeting to Selectman Roth
13 for the basis of discussion. Chairman McBride was given confirmation that there was no
14 flashing light at this point in the road.

15
16 **MOTION:** by Selectman Hargreaves

17 ***Motion to authorize Salem DPW to remove the stop sign at the intersection of Cluff Road,***
18 ***north and south***

19 **.SECOND:** Chairman McBride

20 ***Discussion:***

21 Chairman McBride advised putting up a caution sign as there is a curve. The Board spoke
22 about the curves in the road and roads with similar layouts and safety issues. Selectman
23 Lyons stated he would not support the removal of the stop sign as he is worried about senior
24 residents in the area and their safety. Mr. Sistare stated that in his experience it is not good
25 policy to go against the recommendation of a traffic engineer.

26
27
28 Selectman Roth returned the Chair to Chairman McBride. She stated she had a strong
29 opinion in the matter and agreed with Mr. Sistare, referring to August 27th 2007 minutes
30 when the matter had previously arisen. She cautioned against arbitrarily removing the sign.

31
32 **VOTE:** 3–2-0 (Selectman Roth and Selectman Lyons voted against the motion)

33 Chairman McBride asked Mr. Sistare that the appropriate sign be put up indicating there is an
34 intersection.

35 36 **7. Town Manager's Report**

37 Mr. Sistare stated the emphasis of his work for the next few weeks would be on getting to
38 know the Town, its employees and the budget. In response to a query from Selectman
39 Hargreaves about the tax rate, Mr. Sistare stated he cannot make the results public until he
40 has the information in writing from the DRA.

41 42 **8. Selectmen Reports/Correspondence**

43 Selectman Hargreaves raised the matter of Town employees receiving permission to enter
44 onto private property in order to do their jobs, citing the example of a Tax Assessor in Exeter
45 who had been arrested for trespassing. He pointed out there is nothing on a building permit
46 which made reference to Town employees and suggested adding a disclaimer to allow Town

1 employees onto private property for various purposes. There followed a discussion on the
2 merits of adding a disclaimer to building permits and such things as water bills. It was agreed
3 that Mr. Sistare would talk to staff about whether something can be added to the building
4 permit.

5
6 Selectman Hargreaves read an article from the Eagle Tribune from October 2nd relating to the
7 Police budget, stating he was offended by a statement in the article which the Police Chief
8 was quoted as making. He indicated he would like an apology from the Chief. Further
9 discussion took place and it was agreed Mr. Sistare should set up an appointment between the
10 Police Chief, Selectman Hargreaves and Mr. Sistare to discuss the matter further.

11
12 Selectman Hargreaves confirmed the date of the holiday parade (November 25th), providing
13 his telephone number and inviting people to contact him if they need applications to
14 participate or if they have queries.

15
16 Selectman Roth spoke about a scheduled meeting to discuss the renovation of the Train
17 Depot, stating she would report on this next week.

18
19 Referring to Selectman Hargreaves' earlier request to meet with the Police Chief, Selectman
20 Lyons suggested the meeting should be between the Town Manager and the Department head
21 only and a brief discussion on this took place.

22
23 Selectman Barnes spoke in his capacity as representative on the Conservation Commission,
24 stating the Commission requests the Board of Selectmen contact the Army Corp of Engineers
25 for evaluation of the silt problem at the Spicket River.

26
27 Selectman Barnes spoke about the low recycling statistics for the Town. He also spoke about
28 the fact that the Town does not charge a fee for disposal of white goods and televisions. It
29 was suggested that these could be dealt with in a similar manner as bulky permits and Mr.
30 Sistare stated he would talk to Mr. Russell, Director of DPW regarding this. A discussion
31 took place about training residents regarding recycling. Selectman Roth suggested the Board
32 put together a program and implement a policy, recommending this be putting on the agenda
33 of a future meeting. Mr. Sistare stated this was a State wide issue, that towns are not meeting
34 the goals of the recycling program. It was agreed Mr. Sistare would investigate why the
35 Town recycling statistics are so low.

36
37 In response to Selectman Hargreaves, Mr. Sistare stated he would obtain an update for the
38 Board of when the transfer station will be fully operational.

39
40 **9. Old Business Tabled/Pending**

41 None

42
43 **• Upcoming Meetings**

- 44 ○ October 22, 2007 (Regular Meeting)
45 ○ November 5, 2007
46 ○ November 19, 2007

1 ○ November 26, 2007

2

3 • **Upcoming Events**

4 ○ Veterans Day Services – November 12th

5

6 Chairman McBride stated the Board would be adjourning to a Collective Bargaining session
7 upstairs.

8

9 **MOTION:** by Selectman Lyons

10 ***Motion to adjourn the meeting***

11 **SECOND: Selectman Hargreaves**

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

13

14 Without further business, Chairman McBride adjourned the meeting at 8:30 p. m.

15

16 Notes/Minutes Taken by: Sandra Maxwell

17

18 Approved: Board of Selectmen

19

20 Date: November 5, 2007