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**MINUTES OF THE  
BOARD OF SELECTMEN**

**MEETING OF  
November 3, 2008**

7 The Board of Selectmen held a meeting on Monday November 3, 2008, at Salem High School,  
8 44 Geremonty Drive, Salem, NH.

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

13  
14 **CALL TO ORDER**

15 Chairman Roth began by calling the meeting to order at 7:02 p.m. She then joined the Board in  
16 the Pledge of Allegiance, and introduced members of the Board and the Town Manager.

17  
18 **1. Meeting Minutes**

19 **MOTION:** by Selectman Lyons

20 *Move to accept the minutes of the Regular Meeting on September 11, 2008 as written*

21 **SECOND:** Selectman McBride

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

23 The motion carried unanimously.

24  
25 **MOTION:** by Selectman Lyons

26 *Move to accept the minutes of the Regular meeting on October 6, 2008 as written*

27 **SECOND:** Selectman McBride

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

29 The motion carried unanimously.

30  
31 **MOTION:** by Selectman Lyons

32 *Move to accept the minutes of the sealed Non Public Session on October 6, 2008 as written*

33 **SECOND:** Selectman McBride

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

35 The motion carried unanimously.

36  
37 **MOTION:** by Selectman Lyons

38 *Move to accept the minutes of the Interview Session (Conservation Commission) on*  
39 *October 13, 2008 as written*

40 **SECOND:** Selectman McBride

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

42 The motion carried unanimously.

43  
44 **MOTION:** by Selectman Lyons

45 *Move to accept the minutes of the Regular on October 13, 2008 as written*

46 **SECOND:** Selectman McBride

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

2 The motion carried unanimously.

3  
4 **2. Chairman Comments**

5 Chairman Roth introduced Mr. Kevin Breen who is acting Town Manager as Mr. Sistare is  
6 on medical leave, and thanked him for assisting.

7  
8 Chairman Roth encouraged viewers to vote on Election Day and Selectman McBride  
9 confirmed all six polling stations will be open.

10  
11 She then deferred to Selectman Hargreaves who announced that 14 year old Megan Gatlin  
12 had designed a ribbon which will be sold for \$5 each to help fund the Salem Holiday Parade  
13 and its theme of Christmas for our Troops. He then presented the first ribbon to Megan  
14 together with a letter from the Parade Committee, thanking her for her help. Selectman  
15 Hargreaves asked for viewers to let the Committee know of anyone from the surrounding  
16 areas who is serving with troops overseas, and announced where ribbons can be purchased.

17  
18 **3. Council on Aging – Senior Center Addition – Request to Waive Permit Fees**

19 Chief Breen provided a status update of the addition to the Ingram Senior Center, explaining  
20 they are seeking a waiver of all town fees.

21  
22 **MOTION:** by Selectman Hargreaves

23 *Move that the Town of Salem Board of Selectmen hereby waives any and all Building,*  
24 *Electrical and Plumbing Fees for the Salem Council on Aging as part of the 1,500 sq ft.*  
25 *addition to the Russell and Roberta Ingram Senior Center.*

26 **SECOND:** Selectman McBride

27 **Discussion:**

28 Selectman Barnes pointed out this request is usual and customary.

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

30 The motion carried unanimously.

31  
32 **4. Public Hearing**

33 **a) Repeal SMC Chapter 303 (Utility Betterments)**

34 Chairman Roth declared the public hearing open at 7:15p.m. Chief Breen stated there  
35 was a copy of the Utility ordinance in the Board's packet, and explained the purpose of  
36 the ordinance and also that the Town had received the legal opinion that Chapter 303 can  
37 be repealed. He deferred to Selectman Barnes who reported the current status of the two  
38 ordinances and the confusion caused by them. Selectman Barnes confirmed that Chapter  
39 310 takes precedence and Chapter 303 should be eliminated.

40 **MOTION:** by Selectman Barnes

41 *Move that Salem Municipal Code, Chapter 303, is hereby repealed by the Board of*  
42 *Selectmen, except, to the extent, that any and all payments made or owed, pursuant to*  
43 *such Chapter, shall be unaffected by this repeal, and shall continue to be obligations*  
44 *with the same force and effect as if such chapter remained in effect.*

45 **SECOND:** Selectman McBride

46 Chairman Roth stated the Board wanted the public to be aware that it has reviewed

1 copious amounts of legal opinion and documentation, and this was not a quick decision  
2 taken by the Board.

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

4 **The motion carried unanimously.**

5  
6 **b) Amend SMC Chapter 304 (Water Ordinance)**

7 Chief Breen explained what the ordinance does and explained that in order to update the  
8 water fees they must amend Chapter 304. Selectman Barnes stated this was relatively  
9 straight forward and permits the Board of Selectmen to amend the fees.

10 **MOTION:** by Selectman Barnes

11 ***Move that Salem Municipal Code Chapter 304 is hereby amended as follows:***

12 **Section 304-11**

13 ***Section 304-11 is amended by substituting the current language with the following***  
14 ***language: New service application fees shall be set annually by the Board of***  
15 ***Selectmen.***

16 **Section 304-12**

17 ***Section 304-12 is amended by substituting the current language with the following***  
18 ***language: Miscellaneous fees, including water shut off, account deactivation,***  
19 ***restoration of service, service calls, bulk purchase of water, equipment charges,***  
20 ***materials, temperate construction meters, and final billing, shall be set annually by the***  
21 ***Board of Selectmen.***

22 **SECOND:** Selectman McBride

23 Selectman Lyons confirmed that the fee structure currently in place shall remain so until  
24 the Board changes it. Chairman Roth reiterated that a lot of work had gone into this  
25 matter.

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

27 **The motion carried unanimously.**

28  
29 Chairman Roth closed the public hearing at 7:24 p.m.

30  
31 **5. FMAC Update**

32 Chief Breen explained FMAC's approaches to flood mitigation, and handed over to Ms.  
33 Nancy Lavallee Chairman of FMAC. Ms. Lavallee introduced the Committee, and in  
34 particular the new members. She stated there is an open position with a call out for member  
35 at large and encouraged anyone interested to apply. She then gave a presentation (see  
36 attached copy) highlighting their recommendation and the next steps in the areas of  
37 prevention, function and mitigation. She then handed over to Selectman Hargreaves.

38  
39 Selectman Hargreaves provided an explanation of the Boy Scout program which will help to  
40 map areas in the Spickett River which require cleaning. Ms. Lavallee referred to work which  
41 has been identified as needing to be done. She reported they are planning to send out a  
42 survey by January 2009, to identify those in the community who experience flooding. Ms.  
43 Lavallee also provided details of the FMAC schedule of meetings and what is to be discussed  
44 at each, stating the next meeting is scheduled for November 18, 2008 at which they intend to  
45 address 'function'.  
46

1        ***Questions/discussion:***

2        Selectman McBride thanked the Committee for their work and praised their plan, stressing  
3        some of the work does not involve spending much money. He also reported they have  
4        received feedback from the community that the cleaning of the catch basins has had a  
5        positive effect and stated they now need to clean the culverts.

6  
7        Chairman Roth praised the Committee for the balance they have struck regarding  
8        communications with the Board and commended the group for their work. Ms. Lavallee  
9        pointed out the Committee would like to move quickly with the work which has been  
10       identified and thanked the Board for their cooperation.

11  
12    **6. Discuss Electronic Payment Options**

13       Chief Breen referred the Board to information in their packets from the Tax Collector, Ms.  
14       Cheryl Bolouk, explaining this has been brought before the Board to determine how the  
15       Town should move forward with introducing electronic payment options to residents. He  
16       reported there will be fee involved, stating the Town will need to determine the third parties  
17       and bank which they will use.

18  
19       Ms. Bolouk introduced herself, providing an overview of the information she had put  
20       together for the Board. She referred to the RSA which outlines how towns can go about  
21       setting up to receive payments by credit card, pointing out the ordinance needs to be adopted  
22       at Town Meeting, after which further research needs to be done.

23  
24       ***Discussion:***

25       In response to a query from Chairman Roth, Ms. Bolouk stated she did not have any specific  
26       information regarding requests which have been received from residents asking for debit card  
27       payments, but there have been approximately 25 requests from residents wanting to pay their  
28       property taxes by credit card. She explained that at least one third of residents pay their  
29       property taxes through escrow accounts. She pointed out that other communities charge a  
30       convenience fee amounting to between 3 and 5% of the bill.

31  
32       Selectman Barnes asked whether it would be appropriate to do the additional research prior  
33       to adoption of the ordinance at Town Meeting, and Ms. Bolouk explained she has been  
34       researching this over the last two years and has narrowed down the companies who have  
35       software which would interface with the Town's to three for providing on line payments.

36  
37       Selectman Barnes requested that Ms. Bolouk pull together all the information the Board will  
38       need, with detail for all cards with real figures, and there followed a discussion. Chairman  
39       Roth stressed she does not want this to cost the town lot of money. Selectman McBride  
40       stated it was his opinion that people will use electronic payment for convenience. Selectman  
41       Hargreaves provided information on the convenience fees charged by some companies. He  
42       raised some queries for which he would like answers. Chairman Roth stated the Board needs  
43       an analysis of costs to the Town.

44  
45       Ms. Cynthia Crescenzi, IT Directory, introduced herself and pointed out staff would need  
46       guidance from the Board of Selectmen to accept smaller payments and pointed out issues

1 which would need to be resolved. Chairman Roth suggested a workshop to ensure the Board  
2 is fully informed and asked Chief Breen to talk to staff and set the workshop up with the  
3 Board.  
4

5 Selectman Barnes instructed staff to make the assumption that the Board has given them  
6 authority to move forward for payments at both the windows in the Town Hall and on line,  
7 summarizing what the Board is looking for. Chief Breen clarified that the Board of  
8 Selectmen would like to introduce this at the next Town Meeting and the workshop should be  
9 timed accordingly.  
10

## 11 **7. ITS, Municipal, and Media Networks**

12 Chief Breen outlined what this is and deferred to Mr. Scott, Community Development  
13 Director who introduced himself and provided a presentation on this subject (see attached for  
14 detail). He explained about the fiber network and the areas/departments in Town which  
15 would be hooked up to this. He also provided information on the bidding process and the  
16 time line up to the present time, and explained the project would enhance their ability to  
17 communicate with outlying facilities like the fire stations. He also provided detail on the  
18 match requirement for grants, stating funding has been reviewed by Finance Department and  
19 there are sufficient monies in each fund with some of the money going back into the funds as  
20 reimbursement (see schedule attached).  
21

22 In response to Chairman Roth's query as to whether Mr. Sistare had responded to his memo,  
23 Mr. Scott stated Mr. Sistare has seen everything prior to him coming before the Board.  
24 Chairman Roth stated she did not wish the timing of this to be pushed out too far due to  
25 inclement weather.  
26

27 In response to Selectman Hargreaves' query about reimbursement, Mr. Scott explained he  
28 usually waited until they had \$20,000 before he sent in a claim and it usually takes 30 days to  
29 get the money back.  
30

31 In response to Selectman Barnes, Mr. Scott stated he was unsure whether there would be a  
32 reduction in the operating costs of SCTV as a result of this, but that it will increase their  
33 programming ability. It was pointed out that Salem is one of the few communities which  
34 have set aside franchise fees for the benefit of cable TV.  
35

36 Mr. Tom Giarrosso from SCTV explained the costs of fiber for the station, stating it would  
37 not be cost effective for his department to implement this. He explained the advantages for  
38 the department of having fiber. He also explained there was \$20,000 in the trust fund and  
39 they obtain their next check from Comcast in January for the franchise fees.  
40

41 **MOTION:** by Selectman Hargreaves

42 *Move to table approval of the funding package for the ITS, Fiber and Media Project until*  
43 *the Board of Selectmen meeting on November 10, 2008*

44 **SECOND:** Selectman Lyons

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

46 The motion carried unanimously.

1 **8. Affirm Contracts/Agreements Authorized by Acting Town Manager**

2 Chief Breen provided explanation of this agenda item.

3 **MOTION:** by Selectman Hargreaves

4 *Motion to appoint Kevin J. Breen as Acting Town Manager under the authority of RSA*  
5 *37:7 as of October 20, 2008 until the return of Town Manager Jonathan Sistare to his*  
6 *normal duties*

7 **SECOND:** Selectman McBride

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

9  
10 Selectman McBride asked to have the matter under agenda item 7 sorted out so that the  
11 Board of Selectmen can deal with it next Monday.

12  
13 **9. Town Manager's Report**

14 Chief Breen reported that tax bills were mailed on Friday, and confirmed that voting times  
15 would be 7:00 a.m. until 7:00 p.m. and the Town is offering same day voter registration.

16  
17 **10. Selectmen Reports/Correspondence**

18 Selectman Hargreaves provided an update on Hedgehog Park and also on the Committee for  
19 Hose House #2, stating they are looking for more volunteers for the Committee. In response  
20 to his request for a status update on the light for Wheeler Avenue, Chief Breen stated he  
21 would check to see whether it has been installed. Selectman Hargreaves announced the  
22 details of a Boy Scout Food Drive. He also reported the next Holiday Parade meeting would  
23 take place on Thursday at 6:00 p.m.

24  
25 Selectman McBride spoke about an issue raised by the Budget Committee regarding selling  
26 the old fire station. He explained there was no intention to sell the station and since the  
27 decommissioning of the Kinsler building there are now records being stored at the station.  
28 He also stressed that the cost of keeping the station open is minimal.

29  
30 Selectman Lyons asked Chief Breen as Town Manager to note that there should be two  
31 meetings before the warrant deadline i.e. one to discuss the Charter Reform Committee  
32 recommendations and a public hearing to move forward on any of those recommendations.  
33 He also requested an update on the transfer permit before the end of the year.

34  
35 Selectman Barnes stated it was the responsibility of the DPW to maintain the Town cannon.  
36 He also raised the matter of recommendations made by the Budget Committee regarding  
37 warrant articles as follows:

- 38  
39 • A need to go back and amend articles 1 and 18 with the new cost estimates.

40 **MOTION:** by Selectman Barnes

41 *Move to take Article 18 off the table and address the substance of Article 18 within*  
42 *Article 1*

43 **SECOND:** Selectman McBride

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

45 **The motion carried unanimously.**

1 Updated copies of the articles were handed out.

2 **MOTION:** Selectman Barnes

3 **Article 1 – Bridge Construction – Bond Issue** **\$1,808,000**

4 **To see if the Town will vote to raise and appropriate the sum of One Million, Eight**  
5 **Hundred and Eight Thousand Dollars (\$1,808,000) for the replacement of bridges at**  
6 **Lawrence Road over the Spickett River, and Cluff Crossing Road over Policy Brook.**  
7 **The bridge construction is eligible for 80% reimbursement through the NHDOT**  
8 **Municipally Managed Bridge Aid Program. (2/3 Vote Required)**

9 **SECOND:** Selectman McBride

10  
11 **Discussion:**

12 It was confirmed that the background information to the Article had been changed and  
13 confirmation has been received from NH DOT that the Town is eligible for bridge aid,  
14 and Selectman Barnes suggested the wording be altered to reflect this.

15  
16 Following discussion with Selectman Barnes regarding what his original intent would  
17 have been regarding the bridges and the warrant articles, Selectman Hargreaves made a  
18 motion to amend the motion on the floor as follows:

19 **MOTION:** by Selectman Hargreaves

20 **Article 1 – Bridge Construction – Bond Issue** **\$2,376,000**

21 **To see if the Town will vote to raise and appropriate the sum of Two Million, Three**  
22 **Hundred Seventy Six Thousand Dollars (\$2,376,000) for the replacement of bridges at**  
23 **Lawrence Road over the Spickett River, Cluff Crossing Road over Policy Brook, and**  
24 **the bridge at Pelham Road over Porcupine Brook . The bridge construction is eligible**  
25 **for 80% reimbursement through the NHDOT Municipally Managed Bridge Aid**  
26 **Program. (2/3 Vote Required)**

27 **SECOND:** Selectman Barnes

28 **VOTE:** 4-1-0 (Selectman McBride opposed the motion)

29 Selectman McBride explained this would be reducing the balance of the Road Program  
30 too much and he did not believe they would be able to get it back up again. He also  
31 stated he did not think it makes sense to put the Pelham Road Bridge in a bond as the  
32 Town will get 80% reimbursement from the State.

33  
34 Selectman Lyons concurred with Selectman McBride that the Bridge Program is the  
35 Road Program this year, and stated it was his opinion that it is critical to get these bridges  
36 fixed next year. He went on to explain why he had offered the compromise, stating it is  
37 important to have a fall back plan to get the bridges fixed as matter of public safety  
38 should the bond article fail. He stressed he will amend the motion at Town Meeting as he  
39 previously stated he would. There was further discussion between members of the Board  
40 for and against the amendment. Chairman Roth called the question on the amendment

41 **VOTE:** 2-3-0 (Selectman Hargreaves and Selectman Barnes voted for the motion)

42 **The amendment failed.**

43  
44 **VOTE (on main motion):** 4-1-0 (Selectman Hargreaves voted against the motion)

45 **The motion carried.**

46 Selectman McBride stressed the reimbursement for the bridges in the bond article will

1 take a few years for the Town to receive and that is part of the reason he supports the  
2 bonding in this instance.

- 3  
4 • **MOTION:** by Selectman Barnes  
5 *Article 18 – Bridge Construction* **\$468,000**  
6 *To see if the Town will vote to raise and appropriate the sum of Four Hundred Sixty*  
7 *Eight Thousand Dollars (\$468,000) for the replacement of bridges including but not*  
8 *limited to the bridge at Pelham Road over Porcupine Brook*

9 **SECOND:** Selectman Hargreaves

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

11 **The motion carried unanimously.**

- 12  
13 • Selectman Barnes explained the Budget Committee had discussed Article 2 at length and  
14 stressed it must be on the official ballot as per the Town Charter. He then explained the  
15 purpose of the new article he was proposing, pertains to Salem cable TV.

16 **MOTION:** by Selectman Barnes

17 *Article – Salem Cable Public Access Channel* **\$364,500**

18 *To see if the Town will vote if Article 2 fails to pass, to raise and appropriate the sum of*  
19 *Three Hundred Sixty Four Thousand Five Hundred Dollars (\$364,500) for the*  
20 *operational expenses related to the Salem Cable Television for fiscal year 2009, and*  
21 *further authorize that this amount be funded by the annual cable franchise fees*

22 **SECOND:** Selectman McBride

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

24 **The motion carried unanimously.**

- 25  
26 • Selectman Barnes suggested the Board take action on the warrant article for the Roadway  
27 Stabilization program as a result of a suggestion by the Budget Committee that the funds  
28 be moved into the Roadway Capital Reserve Fund.

29 **MOTION:** by Selectman Barnes

30 *Article 19 Roadway Stabilization Program* **\$400,000**

31 *To see if the Town will vote to raise and appropriate the sum of Four Hundred*  
32 *Thousand Dollars (\$400,000), for the purpose of reconstructing/resurfacing roads to*  
33 *include but not limited to Rte 28 Kelly Road to Pattee Road, Rte 28 near Denny's, Rte*  
34 *28 fro Main Street to the Post Office and Rte 28 from Main Street to Old Rockingham*  
35 *Road and to further authorize that this amount be placed in the Roadway Improvement*  
36 *Capital Reserve Fund previously established for reconstructing/resurfacing roads and*  
37 *to authorize the Board of Selectmen to take all other action necessary in connection*  
38 *therewith*

39 **SECOND:** Selectman McBride

40 Selectman Barnes stressed this is a clerical change rather than a budgetary change.

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

42 **The motion carried unanimously.**

43  
44 Selectman McBride asked that the Drainage Plan warrant be placed on Monday's agenda,  
45 however Selectman Barnes pointed out the Budget Committee is scheduled to take their first  
46 votes this week and it would be necessary to deal with this item this evening.

1 Mr. Scott, Community Development Director provided an explanation of a recommendation  
2 from FMAC to divide the \$225,000 to continue the culvert cleaning. He clarified for  
3 Chairman Roth the chronology of the work required and what is necessary in order to obtain  
4 grants and public assistance.  
5

6 In response to a query from Selectman Barnes, Mr. Scott confirmed that a change in direction  
7 now will not cause a substantial problem next year with the Pelham Road and Lawrence  
8 Road bridges, but point out there would be some problems with some of the other bridges  
9 due to the culverts, explaining the interconnection of the culverts which can cause a problem.  
10

11 Mr. Scott also clarified some issues for members of the Board regarding EPA requirements  
12 regarding illicit discharges and the status of the inventory project.  
13 He also clarified for Selectman Lyons the advantages of making the suggested change.  
14

15 Chairman Roth declared a three minute recess, calling the meeting to order again at the end  
16 of the recess.  
17

- 18 • **MOTION:** by Selectman McBride  
19 *Article 23 – Drainage Program* **\$225,000**  
20 *To see if the Town will vote to raise and appropriate the sum of Two Hundred Twenty*  
21 *Five Thousand Dollars (\$225,000) for the purpose of cleaning culverts and*  
22 *appurtenant drainage systems, funding engineering to support the maintenance*  
23 *program, and providing funds for analysis to support an impact fee system for*  
24 *drainage*  
25 **SECOND:** Selectman Hargreaves  
26 **VOTE:** 5-0-0  
27 **The motion carried unanimously.**  
28

- 29 • Selectman Barnes explained he was proposing Article 25 in the event that Article 2  
30 passes.  
31 **MOTION:** by Selectman Barnes  
32 *Article 25 – Close out SCTV Access Channel Trust Fund*  
33 *To see if the Town will vote if Article Two passes to close out the Salem Cable*  
34 *Television Access Channel Trust Fund and to place the remaining balance and*  
35 *accumulated interest into the new Public Educational Governmental Program*  
36 *Revolving Fund*  
37 **SECOND:** Selectman Hargreaves  
38 **VOTE:** 5-0-0  
39 **The motion carried unanimously.**  
40

41 Selectman Hargreaves reported that \$30,000 worth of equipment from the skate park being  
42 moved into the old Fire Station.  
43

44 Selectman Hargreaves quoted from the 2006 audit report regarding replacement of assets.  
45

46 Chief Breen confirmed that the 2007 audit report is currently being worked on by Ms.

1 Savastano. Chief Breen handed out a copy of the estimated tax impact of the budget to date,  
2 as prepared by the Tax Collector, confirming the figures included all of the figures for the  
3 union contracts. He also confirmed for Selectman Hargreaves that the Town is locked in for  
4 their oil contract through June 2009.

5  
6 **11. Old Business Tabled/Pending**

7 There was none.

8  
9 • **Additions/Requests by the Public**

10 There was nothing to report.

11  
12 • **Upcoming Meetings**

13 ○ November 10, 2008

14 ○ November 17, 2008

15 ○ December 1, 2008

16 ○ December 8, 2008

17  
18 • **Upcoming Events**

19 As mentioned during the meeting.

20  
21 **MOTION:** by Selectman Barnes

22 *Move to adjourn the meeting*

23 **SECOND:** Selectman McBride

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

25 The motion carried unanimously.

26  
27 Without further business, the meeting adjourned at 10:20p.m.

28  
29  
30 Notes/Minutes Taken by: Sandra Maxwell

31  
32 Approved: Board of Selectmen

33  
34 Date: November 17, 2008