

1
2
3
4
5
6

**MINUTES OF THE
BOARD OF SELECTMEN**

**Regular Meeting of
July 13, 2009**

7 The Board of Selectmen held a meeting on Monday July 13, 2009 at Salem Town Hall, 33
8 Geremonty Drive, Salem, NH.

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

13
14 **CALL TO ORDER**

15 Chairman Barnes began by calling the meeting to order at 7:00 p.m. He introduced the Board
16 and town staff and explained he would like to begin by asking for a motion.

17
18 **MOTION:** by Selectman Lyons

19 *Move to move the tabled item off the table*

20 **SECOND:** Selectman McBride

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

22 **The motion carried unanimously.**

23
24 Chairman Barnes explained the matter was a complaint and must be done in open session in
25 accordance with the statute, RSA 91-A: 3, stressing he would not permit public input. He
26 outlined the basis of the complaint which had been received from Chief Donovan in his report of
27 June 13th

28 • Non interference by an elective body under RSA 49-D:4
29 quoting from the statute and invited the Chief to summarize his report.

30
31 Attorney Peter Solomon, representing Selectman Hargreaves, came forward stating he would
32 like the opportunity to speak prior to the hearing. Chairman Barnes requested clarification then
33 invited Attorney Solomon to speak. Attorney Solomon stated he did not believe the Board had
34 the statutory authority to proceed with the meeting. Members of the Board responded, stating it
35 was acting on the advice of Town Counsel and it was its intent to follow procedures and preserve
36 the record with the least amount of intervention. Town Counsel, Attorney Russ Hilliard was
37 introduced. There followed a discussion between Attorney Solomon and Chairman Barnes, in
38 which Chairman Barnes noted Attorney Solomon's comments as an objection to the proceedings.
39 Chief Donovan then reviewed the facts of his report, highlighting his concerns as they related to
40 traffic direction by civilians who are not properly equipped. Chairman Barnes noted Attorney
41 Solomon's objection that the Chief had no authority to speak during the proceedings as he had
42 not been present at the time of the incident between Selectman Hargreaves and the police officer.
43 Chief Donovan continued reviewing the facts of his report, pointing out the officer in question
44 had been following town procedures, and that it was the policy of his department to report any
45 interaction with a town official. He also stated his concerns also related to liability for the town.
46

1 Attorney Solomon was given the opportunity to speak on behalf of Selectman Hargreaves and to
2 voice his concerns about whether the correct procedures had been used to handle the matter, and
3 questioned the intent of the evening's proceedings. There followed a lengthy discussion between
4 Attorney Solomon and members of the Board. In response to a suggestion by Selectman Lyons,
5 Chairman Barnes called upon Attorney Hilliard to explain and clarify his advice to the Board
6 that the matter was best addressed in a public session, following which members of the Board
7 provided further clarification to Attorney Solomon about his concerns.

8 Selectman Lyons pointed out that the Board had no authority to remove a fellow Board member
9 and this was never on the table and Selectman Roth pointed out that in attempting to discipline
10 one of its own the Board was not behaving maliciously and was looking to move forward. After
11 further discussion with Attorney Solomon Chairman Barnes clarified what the procedure would
12 be for the remainder of the proceedings and called a brief recess to permit Attorney Solomon to
13 confer with Selectman Hargreaves. Chairman Barnes called the meeting to order again at 8:25
14 p.m., handing over to Selectman Hargreaves for rebuttal. There was further discussion between
15 members of the Board after which Selectman Hargreaves stated he would like an apology from
16 the officer involved in the incident. Chairman Barnes responded he did not think this fell within
17 the scope of the meeting, stating Selectman Hargreaves would have an opportunity to file a
18 complaint about the officer. He then permitted the following witnesses for Selectman
19 Hargreaves to provide information on what they had heard and seen of the incident

- 20 • Mrs. Frieda Smith, 98A Brady Avenue
- 21 • Messrs. Kevin and Danny Stacey and
- 22 • Mr. Kenneth Akerley, 109 Brookdale Road.

23
24 Chairman Barnes asked the Board members how they would like to move forward and following
25 comments by Selectman Lyons and Selectman Roth the following motion was made:

26 **MOTION:** by Selectman Roth

27 *Move to dismiss the matter under discussion, recess and reconvene*

28 **SECOND:** Selectman Lyons

29 **VOTE:** 4-0-1 (Selectman Hargreaves abstained)

30 Chairman Barnes stressed the matter is now closed, called a recess and reconvened the meeting
31 again at 9:25 p.m.

32 33 **1. Meeting Minutes**

34 **MOTION:** by Selectman Roth

35 *Move to approve the minutes of the Board of Selectmen Regular Meeting on June 15,*
36 *2009*

37 **SECOND:** Selectman McBride

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

39 **The motion carried unanimously.**

40
41 **MOTION:** by Selectman Roth

42 *Move to approve the minutes of the Board of Selectmen Interview Session and Regular*
43 *Meeting on June 22, 2009*

44 **SECOND:** Selectman McBride

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

46 **The motion carried unanimously.**

1 **2. Chairman Comments**

2 Chairman Barnes made no comments at this time.

3
4 **3. School District Request – Return Impact Fees**

5 Mr. Sistare explained he had received a letter from Superintendent Delahanty requesting the
6 release of impact fees to be used for planning the implementation of kindergarten.

7
8 **MOTION:** by Selectman McBride

9 *Move to release to the Salem School District \$33,989.89 in school impact fees for the*
10 *purposes of planning projects to accommodate kindergarten in Salem.*

11 **SECOND:** Selectman Hargreaves

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

13 **The motion carried unanimously.**

14
15 **4. Treasurer – Investment Policy Review**

16 Mr. Sistare introduced the Treasurer, Mr. John Sytek, who recommended no change to the
17 town investment policy and requested the Board's signature on the policy. He spoke about
18 there being few options for investment available at this time and the low interest rates
19 currently.

20 **MOTION:** by Selectman Hargreaves

21 *Move to adopt the Town Investment Policy as presented by the Town Treasurer.*

22 **SECOND:** Selectman McBride

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

24 **The motion carried unanimously.**

25 The Board signed the policy document.

26
27 **5. Recreation Director – Use of Recreation Impact Fees for Hedgehog Park Master Plan**

28 Mr. Sistare introduced Recreation Director, Mr. Chris Dillon who provided the Board with a
29 status report on the work being done at Hedgehog Park. He confirmed details of the
30 successful bid and stated he had come before the Board to request authorization to use
31 Recreation impact fees to complete the engineering work for Phase I.

32 **MOTION:** by Selectman McBride

33 *Move to authorize the Town to enter into contract with Marshall Gehry and expend a sum*
34 *not to exceed \$ 11,200 from Recreation Impact Fees to cover costs associated with the*
35 *completion of Engineering for Phase I of the Hedgehog Park Project.*

36 **SECOND:** Selectman Hargreaves

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

38 **The motion carried unanimously.**

39
40 **6. Set New Police Detail Rates**

41 Mr. Sistare explained why the police detail rates were being increased. Chairman Barnes
42 clarified the net increase was \$3.00/hour. In response to a query from Selectman
43 Hargreaves Mr. Sistare clarified the amount the town would be paying as a result of the
44 increase which has been passed down from the state for the retirement system. He also
45 explained what the detail rate covers and there followed a discussion with the Board.

1 **MOTION:** by Selectman McBride

2 *Move that the Board of Selectmen does hereby increase the Outside Police Detail Rates to*
3 *\$48.00 per hour effective July 5, 2009*

4 **SECOND:** Selectman Hargreaves

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

6 **The motion carried unanimously.**

7
8 **7. Accept Donation - Target**

9 Captain Shawn Patten of the Police Department reported he had come before the Board to
10 request acceptance of a donation from Target to support the National Night Out, which had
11 previously been the Police Department Open House. He announced the event would take
12 place on August 4th from 4:00 – 8:00 p.m. at the police station.

13
14 **MOTION:** by Selectman McBride

15 *Move in accordance with RSA 31:5 (b) that the Salem Board of Selectmen does hereby*
16 *accept a donation of \$500.00 from Target for the National Night Out held by the Salem*
17 *Police Department on August 4*

18 **SECOND:** Selectman Hargreaves

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

20 **The motion carried unanimously.**

21
22 Chairman Barnes asked Mr. Sistare to write letter of thanks to Target.

23
24 **8. Discuss 2010 Budget Preparation**

25 Mr. Sistare reported there has been a change in the shortfall in revenue dollars due to the
26 drop in the share of earnings from the state and low interest rates.

27 Ms. Savastano provided a report on budget option estimations she had prepared for the
28 Board. Mr. Sistare asked for guidance from the Board with regard to the budget and
29 reminded them that they need to decide on the length of the bond which passed for the
30 bridges. He also explained they were looking to go privately rather than through the bond
31 bank.

32
33 **Discussion:**

34 Selectman McBride stated he would support a bond for 10 years and that they need to make
35 cuts in the Road Program.

36
37 Selectman Lyons suggested bonding on the roads in 2010 and 2011 as the rates are so good
38 (i.e. moving the other bonding up). He stated he would choose Option 2 which Ms.
39 Savastano presented for the bridges. Selectman Lyons suggested the Board speak to police,
40 fire and DPW individually during their August meetings to obtain ideas for savings for the
41 budget and he would also like to bring in Mr. Puff. In addition he requested a cash flow
42 analysis on the Bridge Trust Fund and that they should commit to maintenance of roads.

43
44 There was a discussion between Selectman Hargreaves and Ms. Savastano regarding the
45 option of paying down a bond early and how this could be achieved. He stated his
46 preference would be a 20 year bond and to take the stimulus money and pay some off more

1 quickly. Ms. Savastano pointed out the interest is better on a 10 year bond. Selectman
2 Hargreaves requested that the Board see figures for with and without paying it down.

3
4 There followed a discussion on the amount paid out in cash this year for roads and bridges.

5
6 Selectman Lyons explained why he would like to have a meeting with Mr. Puff to discuss
7 possible engineering costs.

8
9 Selectman McBride spoke about replacement of town vehicles with more efficient ones.

10
11 Selectman Hargreaves asked whether the allowances for veterans in Iraq have been factored
12 in to the budget estimates provided by Finance and discussed the amount which would be
13 required for winter weather operations.

14
15 Chairman Barnes asked for clarification from Mr. Sistare on the required cut to level the tax
16 rate based on his assumptions relative to the budget, and there followed a discussion on the
17 estimated budget figures presented by Ms. Savastano. Mr. Sistare stressed the figures are
18 suggestions only as he has yet to meet with the department heads and clarified that the
19 figures took account of a fully funded road maintenance program and design money for next
20 year.

21
22 There was also a discussion regarding lease/purchase of vehicles and Mr. Sistare clarified
23 for Mr. Hargreaves how the replacement of police vehicles operated through rotation.
24 There followed a discussion on the effect on the tax rate of the estimated budget figures.

25
26 Selectman Roth stated she agreed with the other members regarding a road maintenance
27 program and bridges, and that it should be a bare bones budget. She stated public safety was
28 number one on her list.

29
30 Ms. Savastano highlighted the areas with significant numbers within the budget stating they
31 have locked in better fuel rates as well as quotes they have received which will provide
32 savings on utilities.

33
34 There was a discussion on Human Services with Selectman Hargreaves requesting an in
35 depth report as backup at budget time this year.

36
37 There was also a discussion about cost savings across the board and what form of guidance
38 Mr. Sistare would like to receive from the Board, with Selectman Roth clarifying that he
39 would prefer to receive a bottom line figure from the Board and work with staff to achieve
40 it. It was the consensus of the Board that Mr. Sistare should present the best budget he can.

41 42 **9. Town Manager's Report**

43 Mr. Sistare provided the Board with information that the LGC is looking for input from the
44 town for their lawsuit with the state regarding the additional money the state is asking towns
45 to pay into NHRS.

1 He informed the Board that paving would begin on Main Street at the end of the week and
2 there was also work being done at night. He then requested to move to Non-Public Session
3 under RSA 91-A: 3, II, Legal.
4

5 **10. Selectmen Reports/Correspondence**

6 Selectman Roth announced the Ribbon Cutting ceremony for the Senior Center extension on
7 August 3rd at 10:00 a.m. at Sally Sweets Way. She recognized Patti Drelick and the Council
8 on Aging for their work.
9

10 Selectman Hargreaves reported to Mr. Sistare he had received a request from the owner of
11 Dusty Citgo to have a sign put up explaining the business is still open as the public think the
12 business is closed due to the Pelham Road Bridge detour.
13

14 Selectman McBride made some comments about the budget.
15

16 **11. Old Business/Table Pending**

17 There was no old business tabled or pending for discussion.
18

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

20 Mr. Patrick McDougall introduced himself and requested information regarding the work
21 scheduled for R28. Mr. Sistare confirmed there will be a police detail and offered to obtain
22 information on the time the work will take place.
23

24 • **Upcoming Meetings**

- 25 ○ August 3, 2009
 - 26 ○ August 10, 2009
 - 27 ○ August 24, 2009
- 28

29 • **Upcoming Events**

30 See Selectmen Reports/Correspondence
31

32 **MOTION:** by Selectman McBride

33 *Move to adjourn and go into Non-Public Session under RSA 91-A: 3, II (a) and (c)*

34 **SECOND:** Selectman Lyons

35 Chairman Barnes polled the Board

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

37 **The motion carried unanimously.**
38

39 Without further business, the meeting adjourned at 10:55 p.m. and the Board went into Non-
40 Public Session.
41

42 Notes/Minutes Taken by: Sandra Maxwell

44 Approved: Board of Selectmen

46 Date: August 3, 2009