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**MINUTES OF THE
BOARD OF SELECTMEN**

**Meeting of
August 10, 2009**

7 The Board of Selectmen held a meeting on Monday, August 10, 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. P.
12 Donovan (Acting Town Manager).

13
14 **CALL TO ORDER**

15 Chairman Barnes began by calling the regular meeting to order at 7:00 p.m. He joined the Board
16 in the Pledge of Allegiance and asked for a moment's silence to honor Marine Cpl. Edmund
17 Vandecasteele, a graduate of Salem High School who was recently killed in an automobile
18 accident. He then opened the public hearing, recessing it again until item 3 on the agenda.

19
20 **1. Meeting Minutes**

21 Selectman Roth pointed out that her minutes of the Non-Public Session on June 22nd should
22 be amended to indicate that they are sealed minutes and Selectman Hargreaves pointed out
23 the spelling of his name was incorrect in these minutes.

24
25 Chairman Barnes polled the Board regarding whether it wished to table approval of the
26 minutes and by unanimous vote it was agreed the minutes were sealed and should be marked
27 as such and they would go ahead and approve them.

28 **MOTION:** by Selectman Roth

29 *Move to approve the Sealed Minutes of the Board of Selectmen Non-Public Session held
30 on June 22, 2009 as amended*

31 **SECOND:** Selectman McBride

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

33 **The motion carried unanimously.**

34
35 Selectman Hargreaves pointed out the spelling of his name should be amended in Selectman
36 Roth's minutes of the Non-Public Session of August 3rd, 2009.

37 **MOTION:** by Selectman Roth

38 *Move to approve the Sealed Minutes of the Board of Selectmen Non-Public Session held
39 on August 3, 2009 as amended*

40 **SECOND:** Selectman McBride

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

42 **The motion carried unanimously.**

43
44 **2. Chairman Comments**

45 Chairman Barnes re-opened the Public Hearing.
46

1 **3. Public Hearing # 1 – Amend SMC 302 – Regulations for Solid Waste Facility**

2 Mr. Donovan introduced the topic and handed over to Mr. Russell, DPW Director who
3 explained the proposed fees for the disposal of electronic debris and the definition of a
4 ‘video display device’. There was no input from the public and Chairman Barnes invited the
5 Board to ask questions.
6

7 ***Discussion:***

8 Selectman McBride read out for the record the proposed addition to the municipal code.
9 Selectman Hargreaves asked for clarification as to whether coupons could be transferable,
10 and there was a discussion with Mr. Russell who explained that these fees were separate
11 from the regular bulky coupon. Selectman Hargreaves stated he thought the wording of the
12 proposed amendment should be changed to avoid confusion.
13

14 ***Public Input and discussion:***

15 Mr. Bill Arivella, 8 Glen Denin Drive, asked what commercial haulers would need to do
16 under the new rules. Chairman Barnes stated there was an expectation that the owner of a
17 television should obtain a sticker and put it on the television prior to handing it over to a
18 commercial hauler. In response to a query on how many residents currently use the transfer
19 station and how many televisions are being disposed of, Mr. Russell provided statistics for
20 what has been disposed of in the last month, pointing out there have been more televisions
21 than there are residents. There followed a discussion in which Mr. Arivella stated charging
22 residents would encourage illegal dumping, and the Board clarified they are only recovering
23 the cost of disposal and the town charges less than other towns for this service. Selectman
24 Hargreaves questioned how the town could ensure that commercial haulers are not charged
25 twice and Mr. Russell clarified what the current process is. Chairman Barnes explained this
26 was the first of two hearings, and the next one would take place on August 24th and the
27 Board would vote on the proposed fees between August 24th and September 3rd.
28

29 Selectman McBride thanked Mr. Russell and his staff for their hard work on the Route 28
30 repairs. In response to a query from Selectman Hargreaves about some areas which remain
31 unpaved, Mr. Russell explained these are areas where hand work is required and are
32 scheduled for completion.
33

34 **4. Authorize Receipt of \$2,500 in Grant Funds from Department of Environmental
35 Services for Used Oil Collection Program**

36 Mr. Russell explained what the town has spent on improving the drop off area at the transfer
37 station for used oil and that the grant money from the DES will pay for most of this

38 **MOTION:** by Selectman Hargreaves

39 ***Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby
40 accept a grant from the NH Department of Environmental Services in the amount of
41 \$2,500 to cover costs associated with the Use of Oil Collection Program***

42 **SECOND:** Selectman McBride

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

44 **The motion carried unanimously.**
45

1 **5. 122 North Main Street – Request for Waiver of SMC 253 – Sewage Disposal Systems &**
2 **Wells**

3 Mr. Donovan introduced the topic and handed over to the representative from Soucy's
4 Sewer Service who explained he had come before the Board to request a variance on behalf
5 of Mr. William Dolan, reporting that this has already been approved by DBA and Salem
6 ZBA. Mr. Brian Lockard, Health Officer explained this was a failing system which was
7 being replaced and the new system is an improvement on the current one.

8
9 **MOTION:** by Selectman Hargreaves

10 *Move in accordance with SMC Chapter 253-14 (Waiver) to grant the request of William*
11 *Dolan, 122 North Main Street, for a waiver of the provisions of Salem Municipal Code*
12 *Chapter 253, Section 7-f, as detailed in the attached memorandum from Health Officer*
13 *Mr. Brian Lockard and further if connection to public sewer becomes available to the*
14 *property at a future date, no waivers will be given and the property owner must connect to*
15 *the system*

16 **SECOND:** Selectman McBride

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

18 **The motion carried unanimously.**

19
20 **6. 103 Shadow Lake Road – Request for Waiver of SMC 253 – Sewage Disposal Systems**
21 **& Wells**

22 Mr. Donovan introduced the topic and handed over to Mr. Kevin Camm, of KLC Land
23 Planning And Consulting who explained he was before the Board to request a waiver for
24 setback of a new septic system being installed. He provided information on the efficiency of
25 the new system. Mr. Lockard explained the existing holding tank was being replaced by a
26 clean system providing better treatment of effluent, and listed the other waivers which are
27 necessary due to the size of the lot. He stressed the clean system is an improvement on the
28 current holding tank.

29
30 **MOTION:** by Selectman Hargreaves

31 *Move in accordance with SMC Chapter 253-14 (Waiver) to grant the request of David*
32 *Webster, 103 Shadow Lake Road, for a waiver of the provisions of Salem Municipal Code*
33 *Chapter 253, Section 7-f, as detailed in the attached memorandum from Health Officer*
34 *Mr. Brian Lockard and further if connection to public sewer becomes available to the*
35 *property at a future date, no waivers will be given and the property owner must connect to*
36 *the system*

37 **SECOND:** Selectman McBride

38
39 **Discussion:**

40 In response to a question from Selectman Roth, Mr. Lockard stated he was unaware of any
41 problem with the existing system and explained he needs Board of Selectmen approval
42 before submitting the request to the state for its approval. In response to a question from
43 Chairman Barnes about communication with abutters, Mr. Lockard stated there is nothing in
44 the municipal code about the need to inform abutters. Mr. Camm explained he is working
45 with the neighbors to also replace their systems and clarified that abutters had been notified
46 when the matter had gone before the ZBA.

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

2 **The motion carried unanimously.**

3
4 **7. Request To Purchase Town Owned Land**

5 Selectman Hargreaves explained he would not be participating as a Selectman during this
6 matter as he was representing his parents as abutters to the property in question. Mr.
7 Donovan introduced the topic explaining that the property is located at 13 Clay Avenue and
8 Mr. David Demers of D&M Demers Real Estate Investments in Windham wished to
9 purchase it. Mr. Hargreaves recommended on behalf of his parents that the Board sell the
10 land to Mr. Demers as he had been maintaining the land for many years.

11
12 **Discussion:**

13 Selectman McBride pointed out that DPW was against the sale due to the possibility of the
14 land being used as the location of a pump station in the future. Selectman Roth also voiced
15 her concern about this possible future use and there was a discussion, after which Selectman
16 McBride suggested tabling a decision until the Board could discuss this further with Mr.
17 Puff, Engineering Director. Following further input from Mr. Hargreaves in support of the
18 sale, Mr. Puff joined the meeting and Selectman McBride asked him if he could see a future
19 use for this land. Mr. Puff stated it is not uncommon to run sewer lines near rivers and this
20 lot is close to the Spicket River. He offered to do some research and report back at a future
21 meeting.

22
23 **MOTION:** by Selectman McBride

24 ***Move to table this matter until such times as the Engineering Director has had the***
25 ***opportunity to review it more thoroughly***

26 **SECOND:** Selectman Roth

27 **VOTE:** 4-0-0

28 **The motion carried unanimously.**

29
30 **8. Mr. Albert Faucher – Mary Ann Avenue**

31 Mr. Donovan handed over to Mr. Faucher who introduced himself, explaining the problem
32 he currently has with his driveway at 27 Mary Ann Avenue, which is now located below the
33 level of the road following the road's resurfacing, and talked about his subsequent
34 discussions with Messrs. Puff and Sistare. He explained water is now being retained on his
35 leach field and ice is forming along the edge of his driveway in winter, and he felt that the
36 town should build his driveway up to the level of the road.

37
38 **Discussion:**

39 Chairman Barnes clarified what he believed to be the current situation pertaining to Mr.
40 Faucher's driveway.

41
42 Referring to his memo of August 7, 2009 to Mr. Sistare, Mr. Puff stated it summarized the
43 situation, and that he had declined Mr. Faucher's request as the grade and level of the road is
44 almost the same as had existed prior to the road project. Selectman McBride stated he did
45 not think leveling would resolve the problem. Mr. Puff stated the road construction had

1 improved Mr. Faucher's situation as there is now much less water being retained than there
2 had been prior to the road work.

3
4 In response to a query from Selectman Hargreaves, Mr. Faucher explained how the situation
5 had changed since the road construction and Mr. Puff provided an explanation of why the
6 town had replaced the driveway of one of Mr. Faucher's neighbors, offering to obtain more
7 specific information for the Board.

8
9 Selectman Lyons clarified that Mr. Puff runs the road program by mitigating problems
10 caused by road construction, and it was Mr. Puff's opinion that Mr. Faucher's driveway
11 problem should not be mitigated as it existed prior to the road construction.

12
13 **MOTION:** by Selectman Hargreaves

14 *Move that a decision on Mr. Faucher's driveway be tabled until the Board could review*
15 *further information from the Engineering Director*

16 Selectman Hargreaves added that he would also like to investigate whether it would be
17 possible to install a 'gutter' to redirect the water away from the driveway.

18 **The motion failed for lack of a second.**

19
20 **MOTION:** Selectman Lyons

21 *Move to deny the request of Mr. Albert Faucher, 27 Mary Ann Avenue, to do any more*
22 *work at this location given the Engineering Director's testimony and Town Manager*
23 *Sistare's written memo that the town has done everything possible as a result of the town's*
24 *project.*

25 **SECOND:** Selectman McBride

26 **Discussion:**

27 Selectman Roth stated she would support the motion but would still like to see information
28 on the driveway down the street which the town had previously repaired, and reserved the
29 right to rescind the vote.

30
31 Mr. Faucher asked the Board if they would provide him with an explanation as to why the
32 other resident had had his driveway repaired. Mr. Puff clarified that the address of the other
33 property was 11 Mary Ann Avenue.

34 **VOTE:** 4-1-0 (Selectman Hargreaves voted against the motion)

35 **The motion carried.**

36
37 **9. Approval of Dandridge Avenue Block Party**

38 Mr. Donovan introduced the topic explaining that the Fire department and DPW have
39 reviewed this request and agrees the party presents no significant safety concerns.

40
41 **MOTION:** Selectman Roth

42 *Move to approve the request of Jim Carpenito to host a block party on August 29, 2009*
43 *and allow the cul-de-sac portion of Dandridge Avenue to be closed for the party. This*
44 *approval is conditional upon Mr. Carpenito adhering to all requests from the Police, Fire*
45 *and Public Works Departments with regard to public safety precautions*

46 **SECOND:** Selectman McBride

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

2 **The motion carried unanimously.**

3
4 **10. Town Manager's Report**

5 Mr. Donovan provided information on the rates for police outside details. In response to a
6 query from Selectman Hargreaves, Mr. Donovan stated he would look into the procedure for
7 canceling these at short notice.

8
9 Mr. Donovan provided feedback on the response to National Night Out. He also reported
10 that Mr. Puff was looking into the Board's request for improved signage for the detour
11 around Cluff Crossing Road.

12
13 Mr. Donovan announced that the new addition to the Senior Center is now open and
14 provided information on the new facilities.

15
16 **11. Selectmen Reports/Correspondence**

17 Referring to his query about the COPS grant at the previous meeting, Selectman Hargreaves
18 stated it does not say anywhere that the town can go back multiple times to apply for grant,
19 and he will not support accepting it. Mr. Donovan clarified the town does not have to re-
20 apply to be considered for further rounds of the grant and that no action is required by the
21 Board unless the town receives the grant.

22
23 In response to a request from Selectman McBride for an update on the bridges, Mr. Puff
24 came forward and provided a status report for the Board on each bridge.

25
26 Selectman Roth congratulated the Council on Aging and Ms. Drelick for their work on the
27 Senior Center. She also announced the details of Salemfest.

28
29 Selectman Roth explained she had a conflict with the first two scheduled budget review
30 meetings. Chairman Barnes explained he had a conflict with the meetings scheduled for
31 September 14th and 21st but suggested the schedule remain as it is. Selectman Roth stated
32 she would put her budget concerns in writing prior to the meetings and distribute these to the
33 Town Manager and the Board.

34
35 Selectman McBride reported that the Conservation Commission has approved the work to
36 be done on Keewaydin Drive.

37
38 **12. Old Business/Table Pending**

39 There was no old business tabled or pending for discussion.

40
41 **• Additions and/or Requests by Public or Board by Vote**

42 There were none.

43
44 **• Upcoming Meetings**

- 45 ○ August 24, 2009
46 ○ August 31, 2009 – Budget Presentation

- 1 o September 3, 2009 – Budget Review
- 2 o September 9, 2009 – Budget Review
- 3 o September 10, 2009 – Budget Review
- 4 o September 14, 2009 – Budget Review
- 5 o September 21, 2009
- 6 o September 28, 2009

7

8 • **Upcoming Events**

- 9 o September 19 – 20, 2009 Salemfest

10

11 **MOTION:** by Selectman Hargreaves

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

13 **SECOND:** Selectman Roth

14

15 **Chairman Barnes polled the Board**

16 **Roth – Yes**

17 **Hargreaves – Yes**

18 **Lyons – Yes**

19 **McBride – Yes**

20 **Barnes – Yes**

21

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

23 **The motion carried unanimously.**

24

25 Without further business, the meeting adjourned at 8:15 p.m. and the Board went into Non-
26 Public Session

27

28 Notes/minutes taken by: Sandra Maxwell

29

30 Approved: Board of Selectmen

31

32 Date: August 24, 2009