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**MINUTES OF THE
BOARD OF SELECTMEN**

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**MEETING OF
March 5, 2007**

10 The Board of Selectmen held a meeting on Monday, March 5, 2007, the Salem Town Hall, 33
11 Geremonty Drive, Salem, NH.

12 **PRESENT:** Chairman Michael J. Lyons, Vice-Chairman Everett P. McBride (joined the meeting
13 at 7:10 p.m.), Jr., Secretary Elizabeth A. Roth, Selectman Ronald J. Belanger, Selectman Arthur
14 E. Barnes, and Town Manager Dr. Henry E. LaBranche.

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CALL TO ORDER

18 Chairman Lyons called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and
19 introduced the Board members and Town Manager Dr. Henry E. LaBranche.

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1. APPROVAL OF MEETING MINUTES

23 **MOTION:** by Selectman Roth

24 *To accept the minutes of the regular meeting dated February 26, 2007*

25 **SECOND:** Selectman Belanger

26 **VOTE:** 4-0-0

27 The motion carried unanimously.

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2. CHAIRMAN'S COMMENTS

31 Chairman Lyons stated that he had no input this evening under this item.

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3. Public Hearing – Accept Gift from Department of Homeland Security

35 Dr. LaBranche provided some background, explaining that this was a public hearing to
36 accept a gift valued at \$45,495 through a Department of Homeland Security grant which will
37 enable the Police Department to add to the portable radios already within the agency. He
38 invited Captain Bill Ganley to address the Board.

39 Captain Ganley introduced himself and informed the Board that the grant was from 2004
40 monies appropriated by the Federal Government for equipment,; stating that this would allow
41 the department to increase their portables to 27 radios. He spoke about the need for the
42 radios, referencing a previous instance when there had been a shortage, and cited various
43 instances when they would be used. He stated that the grant would also permit the
44 department to buy spares and asked the Board of Selectmen to support receipt of the gift.

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Chairman Lyons opened the public hearing and receiving no request for input he closed it at
7:03p.m.

MOTION: by Selectman Belanger

*Move in accordance with RSA 31:95(e) to receive 27 Motorola portable radios valued at
45,495 from the U.S. Department of Homeland Security through the State of New
Hampshire, Department of Safety.*

1 **SECOND: Selectman Barnes**

2 **VOTE:** 4-0-0

3 The motion carried unanimously.

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5 **4. Request for Waiver – SMC Chapter 253**

6 Dr. LaBranche informed the Board of Selectmen that in acting in their capacity as the Sewer
7 Commission they were being asked to waive a provision of SMC Chapter 253, specifically to
8 permit a setback of 65 feet instead of the required 75 feet required locally. He stated that the
9 Health department has reviewed the request. He deferred to Attorney Bernard Campbell,
10 representing his clients Alan and Karen Hill.

11
12 Attorney Campbell stated that his clients planned to replace a septic system at 12 Franz
13 Road and also a separate septic at 14 Franz Road, and to replace both with a new clean
14 system. He stated that the new tank will need only 10 feet of clearance setback, and that they
15 did receive an exception from the Zoning Board, who had been persuaded by the fact that
16 they would be replacing two undocumented systems with one which will be documented.
17 Attorney Campbell offered to answer questions from the Board.

18
19 Dr. LaBranche asked Health Officer, Mr. Brian Lockard to address the Board. Mr. Lockard
20 explained about the two systems and the fact that the replacement was an improvement over
21 the existing ones, as it uses a new technology which provides additional treatment to the
22 wastewater effluent. He explained that it was a waterproof type structure and required a 65
23 foot setback which meets State requirements and was an improvement on the existing
24 situation as it increased protection to the local environment.

25
26 Selectman Roth asked whether the Board should be re-evaluating local ordinances in light of
27 the new technology, or whether they should deal with things on a case by case basis. Mr.
28 Lockard responded that the State usually takes the lead in these things and would usually
29 reduce the size of the disposal field but not the setback. He stated that it may be something
30 to look at in the future.

31
32 Selectman Roth sought to clarify whether the local setbacks should be changed as the State
33 only requires 50 feet and the town currently requires 75 feet. Mr. Lockard responded that the
34 town should look at these on a case by case basis.

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36 **MOTION: Selectman Belanger**

37 *Motion in accordance with SMC Chapter 253-14 (Waiver) to grant the request of Alan &*
38 *Karen Hill for a waiver of the provisions of Salem Municipal Code Chapter 253-F(1) –*
39 *Hydric B Soils to allow the distance of the proposed septic tank be within 65 feet of the*
40 *wetland where 75 feet is required with stipulations as per the recommendation of the*
41 *Zoning Board of Adjustment that a legal document be prepared by Town Counsel,*
42 *(at the expense of Alan and Karen Hill) governing the system repairs of 1 system between 2*
43 *lots.*

44 **SECOND: Selectman McBride**

1 Selectman Barnes requested a comparison between what the new technology is in this
2 system, compared to a conventional one. Attorney Campbell explained that the new
3 technology was called the Clean Solution system and the tank is segmented and contains bio
4 media in the middle, which is intended to pre-treat the liquid waste before it leaves the tank.
5 It therefore enhances the quality of the output before it reaches the disposal field.

6
7 Mr. Lockard explained that compared to a conventional tank, there is a filtering process in
8 the new technology, and then effluence goes into the leach field.

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

10 The motion carried unanimously.

11 Attorney Campbell thanked the Board for their support in granting the waiver.

12
13 **5. Council of Churches – Request to Hold Walking Way of the Cross**

14 Dr. LaBranche explained that this was self explanatory and summarized the two requests – a
15 grant for the walk and a request for a speaker.

16
17 **MOTION: Selectman McBride**

18 *Move to approve the request of the Greater Salem Council of Churches to hold the*
19 *Walking Way of the Cross on Friday, April 6, 2007.*

20 **SECOND: Selectman Belanger**

21
22 Selectman Barnes asked Dr. LaBranche to contact Ms. Alphen of the Council of Churches
23 and point out the error in the list at station 3, which refers to Selectman Barnes as Fire Chief.

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

25 The motion carried unanimously.

26 The Board members agreed that Dr. LaBranche do the reading.

27
28 **6. Announce Receipt of Zoning Amendments Protest Petitions**

29 Dr. LaBranche explained that in the Board members' packets there were two petitions, and
30 that three additional ones had come in since the packets had been compiled. He explained
31 that the deadline was March 6th. He outlined what each petition was about, stating that a 2/3
32 vote would be required for amendments to be approved. He also stated that the Moderator
33 will be notified and that it will be announced at the polls that amendments have been filed.
34 He confirmed no action was required by the Board.

35
36 **7. Set Polling Hours**

37 Chairman Lyons announced for the benefit of viewers and those in attendance the polling
38 hours for the March 13th election. Dr. LaBranche stated he would like a motion and second.

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40 **MOTION: Selectman McBride**

41 *Move that the polling hours for the March 13, 2007 election and ballot voting will open at*
42 *7:00 a.m. and will not close before 7:00 p.m.*

43 **SECOND: Selectman Belanger**

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

45 The motion carried unanimously.

1 Dr. LaBranche reminded voters that copies of the warrants would be available at the library
2 and that they would also be posted on the website along with the voter's guide and ballot.
3 Selectman Roth announced that absentee ballots would also be available on the town website
4 and can be requested at the Town Clerk's office.

5
6 The Board agreed that they needed to assign polling sheets. Selectman McBride offered to
7 take North and Lancaster; Selectman Barnes was assigned Town Hall and Fisk; and
8 Chairman Lyons assigned himself Barron and Soule.

9 10 **8. Motions and Seconds – 2nd Deliberative Session**

11 Chairman Lyons confirmed the date of the second deliberative session for viewers and those
12 attending the meeting as March 17th. Dr. LaBranche suggested that the Board needed to
13 assign motions and seconds for this session and the Board then went through the list of
14 warrant articles (**see attached list**) assigning a motion and second to each one.

15 16 **9. Town Manager's Report**

17 Referring to his bulletin, Dr. LaBranche stated that he had received written confirmation
18 from the EPA and DES of the action points agreed during his meeting with the agencies. He
19 stated that his staff has been dealing with the work and would finish this week, at which point
20 the Town will respond with a letter outlining the matters which have been resolved. He
21 stated that his staff has done a good job in taking the initiative, and that they have
22 photographic proof of the work completed.

23
24 With regard to the auditors, Dr. LaBranche explained that the field work on the budget has
25 been finished up. He stated that the GASB 34 compliance had been done by Ms. Savastano
26 herself and is now complete and given to the auditors to incorporate in the 2005 field audit.
27 He stated that the Town is on schedule and up to date on the audits. Chairman Lyons stated
28 that the staff had done a good job.

29
30 Dr. LaBranche stated that the Board had been provided a copy of the Town annual report in
31 their packets. He pointed out that a different approach had been taken than the past, which
32 highlights outcomes in different departments. He pointed out that they had relegated the text
33 on reports to few words, summarizing what had done differently, and that overall they were
34 pleased with the outcome. Dr. LaBranche stated that this had been the second year of the
35 annual photography contest and he had been hard pressed to come with a winner, but he was
36 pleased with the fall shot of the cemetery. He pointed out that a dedication page has been
37 added to commemorate the two fallen soldiers from the area. He commended his staff,
38 Maureen Witley and Cynthia Crescenzi, for their hard work on the project.

39
40 Dr. LaBranche stated he had received an inquiry from a resident relevant to Canobie Lake,
41 and the levels at Arlington Pond which he pointed out are the same as last year at this time.
42 He stated that the Town is on the pond for their water resource. He also noted from the
43 Canobie Lake chart that the capacity this year is a little higher and is not being used for the
44 water supply. He stated that with the melt they would probably be managing it in the spring,
45 but felt that the lake is in good shape.

46 Chairman Lyons complimented Dr. LaBranche and his staff for the town annual report.

10. Selectmen Reports/Correspondence

Selectman McBride asked Dr. LaBranche on the status of the building to hold the sand and salt mix. Dr. LaBranche explained that has staff looking at other towns to see what they have done, and to see what could be built at the most reasonable cost. He stated that the other alternatives were to relocate the storage of the mix or to use the new technology, and that his staff is also looking into the use of Magic salt, although the feedback is mixed. He stated that he was uncertain if the Town could rely on this for their primary road treatment product. He also stated that he has asked his staff to look at the building the State uses to store their salt which can be seen from R101 bypass and pointed out that he thinks that this type of structure would be reasonable to build. Selectman McBride also spoke about a similar structure being used by the State of Massachusetts. Dr. LaBranche stated that there are wetlands all around the State structure therefore it must meet the requirements of the EPA and DES.

Selectman McBride also referred to the work on Dawn Street, stating that he wished to clarify that this was a sewer project and thus the cost of \$73,000 for pavement is included as they would not be paving it in the near future as part of the Neighborhood Road Program. Dr. LaBranche confirmed that it would be at least 15 years before Dawn Street would be repaved as part of the road program. Selectman McBride stated that he had wanted the public to know the approach taken on this matter.

Selectman Belanger stated that this was the end of three years of service with this Board of Selectmen and that this was the best Board he has served on. He stated that he is proud of the fact that this year's budget had only a 3% increase and that the Board has to be commended. He also thanked all the town employees for the terrific job they have done in last three years. He thanked the voters for letting him serve and hoped they would appoint him to serve another three years.

In closing Chairman Lyons reminded everyone of the election date and deliberative 2nd session. He thanked his fellow board members and Dr. LaBranche and his staff for their hard work.

11. Old Business Tabled/Pending

There were no items for discussion.

- **ADDITIONS AND/OR REQUESTS BY PUBLIC OR BOARD BY VOTE**

There were no items for discussion.

- **UPCOMING MEETINGS**

- March 17, 2007 (Breakfast at Bickford's – 7:00 a.m.)
- March 17, 2007 (2nd Deliberative Session – 9:00 a.m. – Salem HS)
- March 19, 2007 (Organizational Meeting)
- March 26, 2007

- **UPCOMING EVENTS**

- March 13, 2007 Election

1 **MOTION: by Selectman Roth**

2 *To move to adjourn the meeting*

3 **SECOND: Selectman Belanger**

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

5 The motion carried unanimously, and without further business, Chairman Lyons adjourned the
6 meeting at 7:40 p.m.

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8 Notes/Minutes Taken by: Sandra Maxwell

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10 Approved: Board of Selectmen

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12 Date: March 19, 2007