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**MINUTES OF THE
BOARD OF SELECTMEN**

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**MEETING OF
May 21, 2007**

10 The Board of Selectmen held a meeting on Monday May 21, 2007, the Salem Town Hall, 33
11 Geremonty Drive, Salem, NH.

12 **PRESENT:** Chairman Everett P. McBride, Vice-Chairman, Elizabeth A. Roth, Secretary Arthur
13 E. Barnes, Selectman Michael J. Lyons, Selectman Patrick Hargreaves, and Town Manager Dr.
14 Henry E. LaBranche.

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CALL TO ORDER

19 Chairman McBride called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and
20 introduced the Board members, Town Manager Dr. Henry E. LaBranche, Chief of Police and his
21 staff, who were present to discuss recent promotions.

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1. Meeting Minutes

26 **MOTION:** by Selectman Barnes

27 *Motion to accept the minutes of the Board of Selectmen meeting on May 7, 2007 as printed*

28 **SECOND:** Selectman Hargreaves

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

30 The motion carried unanimously.

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MOTION: by Selectman Barnes

34 *Motion to accept the minutes of the Interview Session on May 14, 2007 with the following*
35 *amendment – line 16 should read ‘the Salem Conservation Commission, instead of ‘the*
36 *Salem Housing Authority’*

37 **SECOND:** Selectman Lyons

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

39 The motion carried unanimously.

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2. Chairman Comments

43 Chairman McBride stated that he had no comments at this time.

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3. Police Promotions Announcements

47 Dr. LaBranche introduced the Chief of Police. He stated that the Chief would update the
48 Board on the recent promotions. Dr. LaBranche explained that as the Board had been unable
49 to attend the formal ceremony the employees who had been promoted were here this evening
50 to be officially recognized before the Board.

51 The Chief explained that the promotion ceremony had taken place on April 20th with the
52 promotions taking effect as of April 22nd. He then announced the appointments as follows:

53 ○ Captain William Ganley to the rank of Deputy Police Chief

54 ○ Lieutenant Shawn Patten to the rank of Captain Commander, Operations Bureau

- 1 ○ Sergeant William Teuber to the rank of Lieutenant, Commander, Early Night Shift
- 2 ○ Officer Marc Prescott to the rank of Sergeant, Patrol Supervisor

3
4 He went on to explain that the number of retirements taking place is changing the face of the
5 agency and they are using it as an opportunity to review their practices and operations to
6 better serve the public. He stated that the knowledge and skills demonstrated by the
7 individuals who were promoted will bring the agency to an even higher level of competency
8 and accountability to the public. The Chief stated he looked forward to participating in the
9 review process including the continuation of strategic training and the mentoring process
10 which would begin again in the fall. He then introduced each officer as he came forward to
11 be congratulated by the members of the Board.

12 13 **4. Orange Street Development–Request for Waiver–SMC Chapter 253**

14 Dr. LaBranche explained that there would be a presentation by Mr. Wesley Aspinwall whose
15 clients are requesting a waiver and that the Board of Selectmen would be dealing with their
16 responsibilities under the Sewage Commission with respect to any waiver relating to sewage
17 near a wetland area. He directed the Board of Selectmen to the information relating to the
18 waiver request in their packets and deferred to Mr. Aspinwall for his presentation.

19
20 Mr. Wesley Aspinwall of Edward Herbert Associates representing Orange Street
21 Development introduced himself, stating that he is a land surveyor and septic designer and
22 had been referred to the Board by the Health Officer, Mr. Brian Lockard. He pointed out the
23 location of the lot being developed on a drawing he put up, stating that it was near Arlington
24 Pond. He explained that there was a wet area going through the front part of the lot on which
25 his clients were proposing to build a two bedroom house, and that although it is a small lot
26 there is room for a well and septic system. He stated that they had a wetlands scientist
27 delineate the area which is 11,489 square feet and pointed the area out on the map. He then
28 moved to a blueprint showing the design of the house and the septic system, explaining that
29 the issue they have is that they can only get 50 feet away from the Hydric B (poorly drained)
30 soil. Mr. Aspinwall stated that the design meets all the State regulations without requiring a
31 waiver, however he had been asked to come before the Board of Selectmen to request a
32 waiver from SMC Chapter 253, section 7-F(1). This section of the local chapter refers to
33 Hydric B soils and requires a distance of 75 feet for all septic systems from the leach bed to
34 wetlands and Mr. Aspinwall quoted from the local code. He clarified that the State
35 requirement is 50 feet from a wetland area and that in this instance he did not believe that a
36 Board of Adjustment waiver was required as the zoning definitions defines wetlands as half
37 an acre or larger of poorly or very poorly drained soil and this area does not meet this
38 definition. Mr. Lockard however felt the matter should come before the Board of Health.

39
40 Mr. Aspinwall stated he felt the lot can handle the use proposed and went on to indicate on
41 the design where the septic, leach field and wells were located in relation to the wet area,
42 explaining the distances. He also stated that they will be able to install a driveway, the house
43 etc without impacting the wet area and he did not therefore believe a wetland permit was
44 required as part of the proposal and there would be low impact on the area, therefore they
45 were requesting the waiver to the local code.

1 ***Discussion:***

2 Selectman Barnes asked whether the septic system incorporated some of the newer
3 technologies available to treat effluent. Mr. Aspinwall described the make up of the
4 proposed system, stating that it is one of the standard systems and one of the better ones in
5 use today. He explained that it is called an Enviro Septic system which has a sand bed.
6

7 Selectman Barnes explained that as Board of Selectmen representative on the Conservation
8 Commission he sees a number of these types of issues coming before where they have an
9 additional chamber in the tank which filters the water before it leaves the tank and goes to the
10 leach field, thereby improving the purity of the effluent. He stated the system being
11 proposed for this property did not appear to have this additional advantage. Mr. Aspinwall
12 responded that the filter in the system being proposed met the code requirements and the size
13 of the tank (1,000 gallons) met the State requirements for the house size. He explained that it
14 would be necessary to upgrade to a 1500 gallon tank in order to get a two chamber tank
15 which improves the purification of the effluent going into the leach field, and that they would
16 be willing to upgrade to a larger tank if this was an issue for the Board.
17

18 Selectman Barnes stated that he would be inclined to support the request if the proposal came
19 back showing a system which incorporated some of the more modern technologies which
20 result in improved quality of effluent. Mr. Aspinwall responded by explaining some of the
21 ongoing additional costs and maintenance involved with these types of systems, stating that
22 he tries not to design these unless space is really tight. His recommendation was that it was
23 preferable to keep a gravity system but perhaps going to a larger two chamber tank which
24 would also improve the quality of effluent and the system would last many years.
25

26 Selectman Roth clarified that the Board of Selectmen could grant the requested waiver if they
27 were convinced that the distance does not present a health hazard, but that the Town has
28 higher standards in the ordinance with good reason. However she stated that Mr. Aspinwall
29 would need to convince her further before she would agree to the waiver.
30

31 Mr. Aspinwall responded by citing the fact that there is a long history of monitoring these
32 kinds of systems, referring to the amount of research which the University of New
33 Hampshire and the system manufacturer have done. He stated that it is an advantage if the
34 system works on its own (i.e. through gravity) without mechanical assistance (i.e. pumps),
35 and that the system he was proposing is more than adequate for the proposed use.
36

37 Dr. LaBranche confirmed for Selectman Lyons that the Town Health Officer and Deputy
38 Health Officer both recommended acceptance of the waiver after their review. He explained
39 that Mr. Lockard was unable to attend the meeting. There followed a brief discussion
40 between Selectman Lyons and Dr. LaBranche regarding a previous issue which was very
41 similar. At the end of this Selectman Lyons suggested tabling the issue until the Board could
42 speak with the Health Officer. He also suggested that that Mr. Aspinwall consider Selectman
43 Barnes' suggestion.
44

45 Chairman McBride requested the Health Officer attend the next meeting and asked Mr.
46 Aspinwall to review his plans for the system as discussed.

1 Dr. LaBranche clarified what the responsibility of the Board of Selectmen was in this matter,
2 explaining that as the Board of Health they can grant the waiver to the State minimum of 50
3 feet. The Board agreed they would like to see the tank size increased and Mr. Aspinwall
4 agreed he could arrange that. Dr. LaBranche stated he would put the agreement in writing
5 and would copy the Health Officer. Chairman McBride and Dr. LaBranche explained for
6 Selectman Hargreaves that the new plans would not need to go before the Planning Board.

7
8 Selectman Barnes stated he would be much happier with a dual chamber tank. Selectman
9 Roth stated she would rather have a motion to table as she would like to have more
10 information from the Health Officer.

11
12 **MOTION:** by Selectman Lyons

13 *Motion to table the request for a waiver under SMC Chapter 253-14 until the next*
14 *regularly scheduled Board of Selectmen meeting, or until the Health Officer can be*
15 *present*

16 **SECOND:** Selectman Roth

17 **VOTE:** 2-3-0

18 The motion failed.

19
20 **MOTION:** by Selectman Hargreaves

21 *Motion in accordance with SMC Chapter 253-14 (Waiver) to grant the request of Orange*
22 *Street Development for a waiver of the provisions of Salem Municipal Code Chapter 253-*
23 *F(1) – Hydric B Soils to allow the distance of the proposed septic tank be within 50feet of*
24 *the wetland where 75 feet is required and to allow the leach field to be within 50 feet of the*
25 *wetland where 75 feet is required, and to increase to a 1500 gallon, two chamber tank. A*
26 *revised plan to be submitted to the Town for approval and also to the State*

27 **SECOND:** Selectman Barnes

28 **VOTE:** 3-2-0

29 The motion carried.

30 31 **5. Boards and Committees Appointments**

32 Dr. LaBranche explained that there had been a mistake made at the last meeting with regards
33 to the length of Kate McDermott's term on the Conservation Commission. He stated that the
34 recommendation tonight is to rescind last week's action and also to appoint Lori Ball. Dr.
35 LaBranche stated he also offered a motion to appoint Ross Miller to the Zoning Board of
36 Adjustment, and that he would put a call out for candidates for the two alternate positions to
37 the Zoning Board of Adjustment.

38
39 **MOTION:** Selectman Barnes

40 *Motion to rescind the vote of the May 7, 2007 interview session whereby the Board of*
41 *Selectmen appointed Kate McDermott to a three-year term due to the fact that her current*
42 *alternate member term doesn't expire until April 2008.*

43 **SECOND:** by Selectman Hargreaves

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

45 The motion carried unanimously.

1 **MOTION:** Selectman Barnes

2 *Motion to appoint Lori Ball to the Conservation Commission as an Alternate Member with*
3 *a term expiring in April 2009 to fill the remaining term of William White who was*
4 *appointed to a full-time member position*

5 **SECOND:** Selectman Hargreaves

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

7 The motion carried unanimously.

8
9 **MOTION:** by Selectman Barnes

10 *Motion to appoint Ross Miller to a full-time member position with the Zoning Board of*
11 *Adjustment to fill the remaining term of James Randazzo with a term to expire April 2009*

12 **SECOND:** Selectman Hargreaves

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

14 The motion carried unanimously.

15
16 **6. Lancaster Fund – Disbursement History**

17 Dr. LaBranche stated that he had asked the Tax Collector, Cheryl Bolouk to prepare
18 information on the history of disbursements from the Lancaster Fund, as requested by the
19 Board at their March 26th meeting, as well as some background to the institution. He stated
20 that the Board may wish to have a work session to discuss the philosophy of the awards and
21 how they make the awards in the future. Dr. LaBranche indicated that he would bring the
22 language of the Trust up to date and he went on to give an overview of the information
23 provided in the Board of Selectmen's packets (attached), pointing out that a motion in the
24 1990 minutes had set the benchmark for the amount of money which should be in the account
25 (not less than \$1,000).

26
27 **Discussion:**

28 Chairman McBride stated he thought they need to look into obtaining a higher interest rate
29 on the monies in the Trust.

30
31 Selectman Barnes thanked the staff for their research as he had found the information most
32 interesting.

33
34 Chairman McBride confirmed with Dr. LaBranche that a planning session should be set up
35 which should include discussion on how to obtain more interest.

36
37 Selectman Roth agreed with Selectman Barnes that the information had been interesting and
38 would assist in determining who should obtain an award from the Trust and also that
39 discussion of this issue deserved the attention of a work session.

40
41 Selectman Lyons indicated he also supported a work session, and stated he would like to see
42 a larger single donation being made as currently the award process is not as tangible as it
43 could be.

44
45 Selectman Roth stated she thought more should be done to honor the gift giver.

7. Water/Sewer Rates

1 Dr. LaBranche explained that Ms. Savastano, Finance Director had prepared an analysis of
2 the water and sewer rates as provided in the Board's packets. He spoke about the planned
3 increase which had been proposed, but pointed out that this had been based on the water and
4 sewer projects planned at that time. He pointed out that several projects have been planned
5 for the upcoming year and the Board has been provided with information on the potential
6 impacts on water and sewer rates for each project which has been presented to the public and
7 the Board. He stated that they were here this evening to review the numbers and engage in
8 dialog regarding a recommendation to increase rates.
9

10
11 Ms. Savastano, Finance Director, introduced herself. Ms. Savastano then took the Board
12 through the information she had provided, giving them explanations of the figures (see
13 attached). She stated that the new rate would need to be \$2.82 to cover all expenses in the
14 Operating budget, which after taking account of other known factors she stated could be
15 lowered to \$2.60.
16

17 Chairman McBride explained for the benefit of viewers that the difference in figures related
18 to a 17 cents increase agreed last year to cover the Organics project. Ms. Savastano stated
19 she was trying to be conservative with the figures she has proposed.
20

21 Selectman Lyons clarified that the Town was doing everything as advertised at the Town
22 meeting, and that an amount agreed two years ago had been split into 17cents/year
23 implemented over two years.
24

25 Responding to a request for clarification on what the average rate impact would be for
26 someone who had both water and sewer Ms. Savastano stated that this would be \$23
27 quarterly based on consumption of 3,750 cubic feet or \$94 annually.
28

29 Chairman McBride explained for the benefit of Selectman Hargreaves that the people at the
30 Town meeting had voted to do certain projects and it was therefore necessary to increase the
31 rates to cover these. Ms. Savastano and Dr. LaBranche cautioned that the books have to
32 balance, and there followed further discussion on why the increase was necessary with Dr.
33 LaBranche pointing out that due consideration should be given to the fact that this increase
34 would not take place until July 1 and the impact would be \$47 for this fiscal year.
35

36 Selectman Hargreaves was concerned about the amount of the increase. There was
37 discussion on rates for previous years which have been much higher than they are currently
38 and the fact that there will be DBA funding to assist with the projects, but that this was over a
39 period of 20 years, and there is a need to maintain a reasonable fund balance in case of a
40 catastrophe. Members of the Board pointed out that the Unreserved Fund has been used in
41 the past to try to keep the rate from spiking, but that fund balance is now getting low and it is
42 now necessary to increase the rates to pay for what the voters have asked for.

43 Selectman Lyons stated he thought the Board would need to address the health of the Water
44 Fund as a separate issue. The members discussed possibly compromising on a rate of \$2.58.
45

46 Ms. Savastano stated that both she and Mr. Bob Puff agree there should be a policy in place

1 which covers use of funds. Selectman Lyons stated he would like the policy to include
2 details of what the balance in the funds should be as there are a lot of things that can go
3 wrong and he wants to be prepared to protect the water quality.
4

5 It was confirmed for Selectman Hargreaves that the Town has a flat rate for commercial
6 water customers. Ms. Savastano said would like to revisit this at some point in the future.
7

8 Selectman Hargreaves re-capped for viewers the rate impact on both the water and sewer of
9 each of the articles which voters had passed.
10

11 **MOTION:** Selectman Lyons

12 *Motion to authorize an increase in the water rate from \$2.40 per cubic foot to \$2.58 per*
13 *cubic foot, effective July 1, 2007*

14 **SECOND:** Selectman Barnes

15 **VOTE:** 5-0-0
16

17 Ms. Savastano explained the impact of projects on the Sewer Fund, suggesting a new rate of
18 \$2.70 due to the size of projects and possible carry over of some into 2008. There followed a
19 discussion, with Dr. LaBranche explaining that they could reduce the impact slightly in this
20 year due to the fact that the Elmwood/Marsh project will not be completed until next year.
21 Selectman Lyons stated he would support this approach as it was consistent with how they
22 had dealt with the Organics project.
23

24 **MOTION:** by Selectman Lyons

25 *To authorize an increase in the sewer rate from \$2.27 per cubic foot, to \$2.70 per cubic*
26 *foot, effective July 1, 2007*

27 **SECOND:** Selectman Barnes
28

29 **Discussion:**

30 Chairman McBride provided an overview of how the rate should have been raised for
31 Selectman Hargreaves and clarified for him how it will be raised over the next two years.
32 The members discussed the rationale for \$2.70 as the new rate and the possibility of reducing
33 it to \$2.63.
34

35 Selectman Roth indicated that she was concerned that they had reduced the proposed
36 increase on the water rate and were now talking about doing the same with the sewer rate,
37 and the situation next year may mean having to significantly increase the rates at that time as
38 a result of trying to lessen the impact this year.
39

40 There followed further discussion on the actual increase necessary due to Dr. LaBranche
41 pointing out an error in the math earlier in the discussions. In response to Chairman
42 McBride, Dr. LaBranche stated that ground would not be broken on the Dawn Street project
43 until late summer or early fall and as a result the project would not be completed until next
44 year.
45

1 Selectman Lyons clarified that the current figure under discussion was \$2.57, indicating that
2 he would be in support of it on condition that the Board would ask staff to come back with an
3 analysis regarding what the balance in the funds should be, based on what the systems are
4 worth currently, and that a plan is put in place to achieve these numbers. He pointed out that
5 the fund balances were there to cover any unforeseen problems which need to be addressed.
6

7 As a result of further discussion, Selectman Barnes withdrew his second to the motion on the
8 floor, and Selectman Lyons re-stated his motion as follows, after members had checked the
9 figures and Selectman Hargreaves clarified what the rules of voting were:
10

11 **MOTION:** by Selectman Lyons

12 *Motion to authorize an increase in the sewer rate from \$2.27 per cubic foot, to \$2.60 per*
13 *cubic foot, effective July 1, 2007, and to further direct Town staff to come back to the*
14 *Board of Selectmen at a future date with a recommendation relative to what the Water*
15 *Fund and Sewer Fund balances should be so that the Board can determine a plan for*
16 *reaching these figures.*

17 **SECOND:** Selectman Barnes

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

19 The motion carried unanimously.
20

21 8. Swimming Pool Abatements

22 Dr. LaBranche explained the reason for this item on the agenda, referring the Board to the
23 minutes from a previous Board of Selectmen meeting on December 13, 1993 at which there
24 had been a decision to eliminate swimming pool abatements. He went over the
25 documentation in the Board members' packets which included figures on the number of
26 pools in town and how much water it took to fill them. Dr. LaBranche stated that it cost \$46
27 per annum to fill a pool from scratch and spoke about the number of abatements which had
28 previously been granted and the amount of the abatements. He also pointed out that people
29 who use irrigation systems do not get abatements, but have a second meter installed to cover
30 these systems. Dr. LaBranche pointed out that the Board needs to be consistent in their
31 approach to this matter.
32

33 *Discussion:*

34 Ms. Savastano stated she was concerned that reverting back to an old policy after telling
35 people to get lawn meters for their irrigation systems was not in line.
36

37 Ms. Savastano explained for Selectman Hargreaves that it cost \$180 for a 5/8" water meter
38 and Dr. LaBranche stated it was approximately \$150. She explained that they did not have
39 figures for those who had pools and who also had lawn meters.
40

41 Selectman Hargreaves explained he had been receiving a lot of calls lately on this subject.
42 He stated he did not think it fair that people were getting charged for both water and sewer if
43 they do not have a lawn meter.
44

1 Ms. Savastano explained why the policy was changed and that they had run into a lot of
2 problems previously. Chairman McBride stated he would not ask staff to go out specifically
3 to read meters for filling pools.
4

5 Selectman Roth asked for confirmation that there is a process in place to enable a person who
6 wants to get credit for sewer when filling their pool and Ms. Savastano responded by reading
7 from the current municipal code, thereby confirming that there is a mechanism in place to
8 enable residents to apply for an abatement in these circumstances. Dr. LaBranche clarified
9 that everyone with a pool could come forward with an abatement request. He also confirmed
10 that it would cost more for residents to get their pool water from an outside company.
11 Chairman McBride stated he would not vote to change the policy.
12

13 Selectman Hargreaves asked how you would go about changing the current policy and Dr.
14 LaBranche explained that the Board would have to reverse the previous decision.
15

16 Selectman Roth pointed out she did not think it was a serious problem and that she had never
17 received any calls on the subject.
18

19 It was agreed by the majority of the Board that they did not wish to take any further action on
20 this issue.
21

22 **9. Town Manager's Report**

23 Dr. LaBranche explained that he had received official confirmation from the DOT (see
24 attached letter from Mr. Pete Stamnas) that they would assist in paving East Broadway. He
25 stated that this would be coordinated with Continental Paving and the binder coat would be
26 done this year with the top coat being done next year. Dr. LaBranche provided some
27 background on this issue and stated he was pleased with the results.
28

29 Dr. LaBranche informed the Board that the Police Relief Association has affiliated itself with
30 a new union, the New England Police Benevolent Association
31

32 In response to a query from Selectman Roth, Dr. LaBranche confirmed that the East
33 Broadway project has always been a two year project, but that the work which has previously
34 been done is not part of this project.
35

36 **10. Selectmen Reports/Correspondence**

37 There was nothing to report under this agenda item.
38

39 **11. Old Business Tabled/Pending**

40 There was nothing to discuss under this agenda item.
41

42 **• ADDITIONS AND/OR REQUESTS BY PUBLIC OR BOARD BY VOTE**

43 There were no items for discussion under this agenda item
44

45 **• UPCOMING MEETINGS**

- 46 **○ May 29, 2007** (Workshop – Planning Board & Conservation Commission)

- 1 ○ **June 4, 2007** (Regular Meeting)
- 2 ○ **June 11, 2007** (Regular Meeting)
- 3 ○ **June 25, 2007** (Regular Meeting)

4

5 • **UPCOMING EVENTS**

- 6 ○ **Memorial Day Parade – Monday, May 28th - 2:00 p.m.**

7 Reminder that the Veterans Association will have their annual Memorial Day Parade on
8 Monday, May 28th beginning at 2:00 p.m. The Selectman should meet at the High School
9 around 1:45 p.m.

10

11 Selectman Hargreaves asked if there was a meeting scheduled with the Budget Committee and
12 Dr. LaBranche explained that he is awaiting dates.

13

14 Selectman Roth reminded everyone that there would be an open house for school no. 5, across
15 from the old Town Hall. She again put out a call for any students or teachers who had any
16 connection with the school and who would like to participate in the event to call her and she
17 would have more information on June 4th.

18

19 **MOTION:** by Selectman Lyons

20 ***Motion to move to go into a non public session authorized under RSA 91-A:3,II(b)***

21 **SECOND: Selectman Barnes**

22 Chairman McBride polled the members and all agreed with the motion (5-0-0)

23

24 Selectman Hargreaves asked whether they were required to make public what they are talking
25 about when they go into non public session and it was explained to him that the Board can
26 stipulate that the session is relative to Dr. LaBranche and that he wished to update the Board on
27 the search for a new Town Manager.

28

29 Without further business, Chairman McBride stated they would move to non public session at
30 8:45pm.

31

32 Notes/Minutes Taken by: Sandra Maxwell

33

34 Approved: Board of Selectmen

35

36 Date: June 4, 2007