

Salem Observer

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Slow growth in 1989, but still busy

Growth

Growth will continue in Salem in 1989, but at a slower rate than the last few years, predicts Ross Moldoff, Salem's Director of Development. If one of several big projects comes in during 1989, such as the proposed 150-store mall, 90-bed hospital, or 12 megawatt power plant, the growth figure could be thrown off kilter, he says.

"I see a slowing of the rate of growth but I don't see any tremendous slowdown," Moldoff said.

Proposed plans for Salem in 1989 include an office building for Salem Depot, continued expansion of the industrial park and additional residential subdivisions. 1988 saw more than \$30 million in construction and Moldoff estimates the town will again top \$30 million in 1989, as it has in the past six years, when the average construction has been \$34 million.

If these major projects do appear before planners this year, the planning board will be "intimately involved" with their entire processes, from drainage to traffic to road improvements to fire and police protection, Moldoff said.

"The board will take a good, hard look at traffic information," said Moldoff. "I don't think the town will be pushed into anything."

Several large residential subdivisions are planned for the coming year, including 70 house lots off Salem Street, and 70 to 80 house lots off Wheeler Avenue and Old Coach Road. An additional 20 lots are slated off Norwood Road and 20 to 30 lots off Route 111, as well as the Hawkins Glen proposal off Town Farm Road.

Although there was a drop-off in construction in 1988 from the previous year's record \$46 million, the planning board still approved 30

major projects. These included Lechmere, two rides at Canobie Lake Park, Grossman's, and a 36-unit residential complex on Playcamp Road.

Residential construction saw a drop in 1988, but additions and alterations to homes rose, a statistic which Moldoff expects to continue in 1989.

Planning issues

More zoning violations made headlines last year than ever before, and the town won 95 percent of the cases brought into court.

"Enforcement is becoming a more visible problem," said Moldoff. "We are finding out about more violations every week."

The town, however, still needs to improve the enforcement arm of the zoning ordinance.

The town-wide traffic study was finally completed in 1988, and can now be put to use in 1989. The town's traffic consultants, Vanasse-Hangen, have also formulated a new impact fee schedule which the planning board will wield frequently in the coming year. Moldoff hopes to get the system firmly in place and use it to start funding actual road improvements.

The Affordable Housing Task Force will remain active in 1989, says Moldoff. If the committee's proposed ordinance does not meet with approval from the voters, they

will go back to the drawing board. They will also begin to explore using town-owned lands as a resource and federal issues and assistance.

The Conservation Commission will have a complete prime wetlands map which will help them further protect wetlands in 1989. They will also begin implementation of the Town Forest Management Plan.

In terms of open space preservation, Moldoff says his department will begin work on alternative zoning proposals to present to voters in 1990. The zoning amendments facing voters this year are mostly housekeeping items, according to

Moldoff.

As the new chairman of the planning board, Richard Gregory will bring a new perspective to the board, said Moldoff. New member Thomas Pappalardo will also contribute to a changed planning board in 1989.

"Planning is not an easy process," Moldoff said. "I don't think it's easy to plan for the future. It's foreign to most people."

In comparison to other towns, we are ahead in some things and behind in others. Some towns have road management programs. Some towns have no sewer system at all.

We are behind in some things because Salem is such a diverse

community, said Moldoff. In many senses, it is a bedroom community. It used to have a large seasonal population. Thousands of people come to Salem to work in the industrial park. The town has a four-mile-long commercial strip that rivals Route 1 in Saugus. There has been a great transition in town managers. All these factors contribute to confusion about a central community identity.

"We are still coming to grips with who we are and what we are going to be," said Moldoff.

Perhaps during 1989 we can take a few, doddering baby steps towards defining exactly what we want to be.

A room with a view

Planning Director Ross Moldoff and Assistant Planner Kate Welch have an unusual view from their office windows — they look down on the Town Clerk and Tax Collector's offices. On Monday, they kept a close eye on the Town Clerk's window to see who filed for candidacy to local offices.



By Joann Tamm

Town-wide Traffic Study

ROSS MOLDOFF
Town Planner

Imagine waiting 20 minutes to drive through the Depot, or sitting through 4 signal changes before crossing Route 28 at the Boulevard!

Traffic congestion is a growing problem in Salem and is sure to be a major issue in upcoming development proposals. Two recent opinion surveys found traffic to be the second most disliked aspect of living in Town (right behind taxes!). Over 30,000 cars a day travel South Broadway, making it one of the busiest roads in southern New Hampshire.

To address traffic problems, the Town hired the Boston-based consulting firm Vanasse-Hangen, Inc., in 1986, to conduct a Town-wide traffic study. The Vanasse-Hangen study was completed in June 1988 and was just adopted by the Planning Board as part of Salem's Master Plan.

The traffic study looks at four specific road corridors in Salem:

1.) Rockingham Park area, bound by Rockingham Park Boulevard, Route 28, Cluff Crossing Road, and South Policy Street;

2.) Pelham Road from Commercial Drive to South Policy Street;

3.) Route 28 from Veterans Memorial Parkway northerly to Windham town line;

4.) Route 97/Main Street east of Pleasant Street to the Methuen town line.

For each area, Vanasse-Hangen provides the following:

- Analysis of existing conditions, including traffic volumes, accidents, existing traffic operation, and a summary of current deficiencies.

- Projection of future land uses and traffic demands.

- Recommended improvement plan, including descriptions and diagrams of each project.

- Implementation program, with priorities and preliminary cost estimates.

It should come as no surprise that the recommendations call for new traffic signals and widen roadways throughout the Town. The total cost for all improvements is a staggering \$16 million. In a subsequent report, Va-

nasse-Hangen recommended a cost allocation system where private developers would pay about one third of this cost.

It remains to be seen if Salem resi-

dents will approve the massive funds necessary to improve the Town's road network. But it's abundantly clear that traffic problems will only get worse as time (and development) continues.

Affordable Housing: The Work Force

KATHRYN WELCH
Assistant Planner

Over the past six years Salem has been growing by leaps and bounds averaging more than \$36 million dollars in new construction each year. We have added almost 1000 new homes (single-family and duplexes) and 627 new or expanded businesses. We are the fourth largest community and the largest town in the State of New Hampshire. However, not all is golden in Salem. Beyond the rising traffic counts and the decrease in available open space is the shortage of affordable housing for Salem's residents and those who work in town.

While all housing is affordable to someone, the term "affordable housing" is generally applied to shelter for which a low- to moderate-income family pays 30% or less of their total household income. For a family of four living in Rockingham County, this is interpreted as a maximum household income of \$25,690, of which only \$7,707 is available for shelter costs. Very little housing is available in Salem within this range.

A more concerning statistic stems from the fact that median income in Rockingham County is \$32,100 (i.e. 50% of the population earns more than and 50% earns less). A study for the seacoast region revealed an \$80,000 affordability threshold (i.e. the maximum affordable housing unit for that income) in purchasing a home. Only 18% of the housing market consists of units below \$80,000. This means potentially 50% of the population is competing for 18% of the market.

What does this mean for businesses? The further the work force has to travel between home and work, the less likely they are to accept or keep a position. As the affordable housing alternatives decrease in Salem, the potential work force decreases as well. For businesses to remain attractive to employees (should current housing prac-

tice continue) wages will have to increase to offset the lack of housing and the time and inconvenience of commuting.

There is another alternative. As the Board of Selectmen have recognized the need to address the affordable housing crisis, so too should the business community. The Salem Affordable Housing Task Force, formed in June 1988, has proposed two zoning amendments as a first step toward resolving the issue. The first amendment is to allow accessory apartments within single family detached homes. The second proposal is an Affordable Housing Ordinance to encourage the construction of moderate-income housing through increased density. These proposals will be explained in more detail at your first March Networking luncheon. (See Salem Calendar)

The Affordable Housing Task Force meets the second and fourth Thursdays of the month in the Municipal Office Building. In the future they will be addressing the issue through means other than zoning (i.e. financing, construction requirements, housing trust funds). The public is welcome to attend.

There are many good reasons to join your Greater Salem Chamber of Commerce.

...here's just 10 to get you started!

Local Identity
Breakfast Forums
Community Service
Monthly Newsletter
Business After Hours
Membership Directory
Networking Luncheons
Exchange of Business Ideas
Continuous Business Exposure
Town Government Representation

Send in your application today! See page 4.

Affordable housing plan assailed by planning director

By PAUL McCARTHY
RECORD STAFF WRITER

A plan to make affordable housing a reality in Salem was assailed by Planning Director Ross Moldoff at a Public Hearing last Wednesday night. Despite the attack, the planners unanimously sent the plan onto the ballot at the March election.

After a presentation by the Affordable Housing Task Force, which included an in-depth explanation of it by planning board member Bob Campbell, Asst. Planning Director Kate Welch and committee member Michael Carney, (as well as two HUD representatives), Moldoff took to the mike to attack the plan.

After giving planning board members a petition containing 28 names, Moldoff read the following comments into the record.

"We the undersigned, oppose the Affordable Housing Ordinance. The ordinance gives developers tremendous flexibility to propose housing projects."

"...gives a great deal of discretion to the planning board, board of adjustment

and Salem Housing Authority. It relies on broad guidelines and vague terminology to promote affordable housing. We find these concepts unacceptable and will urge the defeat of the ordinance in March, 1989.

Flexibility allows good developers to propose good projects, but it also allows bad developers to circumvent the controls and protections provided by current zoning regulations.

Discretionary power in the hands of land use boards is dangerous. Critical issues such as the developer's commitment of affordable housing units are left open to negotiation by the ordinance."

This 'Let's Make A Deal'

approach to land use regulation is ripe for abuse by unscrupulous developers and their attorneys. Our boards have no experience with this type of negotiation, and the results of their 'learning' could be disastrous. Our current ordinance minimizes discretionary power and rightfully so."

Moldoff went to add that the broad and vague terminology of the ordinance, as drafted,

will provide problems of interpretation to board members and staff while giving too little guidance to developers which could result in the unfair treatment of applicants.

"How will the boards determine the necessity for and the effectiveness of exceptions?" he asked. "What criteria will be used? Why are ALL innovative land use controls, including ones which have no relation to affordable housing, authorized by the ordinance?"

Moldoff said the ordinance ignores overwhelming evidence that both developers and regulatory boards need specific restrictions and rules for effective land use regulation."

Moldoff added Salem has close to 3,000 multi-family apartments, condos and mobile homes which equates to 30% of Salem's housing stock and said, "We do not need a wholesale restructuring of our zoning ordinance or the dismantling of current protections to provide more affordable housing."

It would have been very easy to hear a pin drop in the William T. Knightly room after

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Moldoff gave his speech which included advice from N.H. Municipal Association legal counsel Bernard Waugh that a draft of the ordinance could be construed as arbitrary as well as "unconstitutional."

Developer Larry Belair, 139 Hooker Farm Road, didn't take kindly to Moldoff's assertions. He accused Moldoff of perpetuating the myth of developers only willing to help themselves while skirting

Continued on page 11



NOT A HAPPY CAMPER - Asst. Planner Kate Welch listens to Planning Director Ross Moldoff rip into the proposed Affordable Housing Ordinance she helped put together. Moldoff felt it gave developers too much leeway in construction and not enough guidelines.



BEFORE PLAN WAS ATTACKED - The Affordable Housing Task Force is pictured before their plan was torpedoed by Ross Moldoff.

Authority Executive Director Nancy Rochira, Loren Cole of HUD, Asst. Planner Kate Welch, Housing Authority vice chairman Michael

Planners—

Continued from page 3
town ordinances.

Belair, who served on the Affordable Housing Task Force, said he has derived a great deal from the community and felt it was time to give something back, to help young Salem couples get started in life like Arnold Leriche and George Gelt helped to do in the 1960's.

He added that many of Moldoff's ideas were incorporated in the affordable housing ordinance "but not ALL of them" and that was perhaps why he "came out AGAINST it."

Atty. Bernard Campbell, who is also a planning board member, noted that the ordinance, if adopted, could be amended up to nine months from its passage to eliminate any loopholes the board didn't foresee.

Belair added that should any "loopholes" be found, it would take six months, probably a year, before any plan could be brought to fruition.

Campbell's and Belair's argument convinced the board to send the ordinance on to town meeting by a unanimous vote.

In other planning board action at the meeting:

The board unanimously voted to send on the following planning board amendments (A complete copy can be viewed in the planning office or Kelley Library):

To revise the wetlands Conservation Ordinance to include a High Intensity Soil

Mapping System to identify wetlands.

To revise the sign ordinance to allow increased signage in limited shopping districts and large frontal lots and reduce signage in commercial areas and directional signs.

To adopt the 1987 BOCA National Fire Protection Code.

To adopt the 1988 Life Safety Code.

To permit accessory housing

within single family dwellings. And, surprisingly, to permit church steeples, flagpoles and amusement rides to exceed 35 feet but not 80 feet. It is expected a protest petition will be filed on the latter.

The board nixed the idea of rezoning two lots of land off Dyer Avenue as well as land located on Kelley Road.

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TALKING MEGAMALL - Salem's Planning Director, Ross Moldoff, was the featured speaker at the Greater Salem Chamber of

Commerce "Networking Luncheon" held at Fishland last week. He discussed the possible impacts the town may have from the mall.

Photo by Paul McCarthy

Town wins first round in impact fees court case

by Monique Duhamel

SALEM — The Town of Salem has won the first round in a lawsuit filed against them by New England Brickmaster.

The suit, filed in November 1988, was directed against the town and the planning board. New England Brickmaster went to Rockingham County Superior Court to appeal a planning board decision requiring them to pay \$39,397.51 in traffic impact fees as a condition of board approval.

New England Brickmaster had purchased a lot at 45-51 North Western Drive from Keewaydin Realty Trust. When the 18-lot Keewaydin industrial subdivision was approved, Keewaydin paid \$100,000 towards off-site roadway improvements for the Pelham Road corridor. Then, when New England Brickmaster appeared before the planning board, planners sought the additional \$39,397 for off-site improvements. The board approved the New England Brickmaster site plan with the payment as a condi-

tion of approval. New England Brickmaster contends that the property's original owner, Keewaydin, had already paid that parcel's fair share towards road improvements. The company's attorney, Reginald L. Marden of Andover, Mass., filed a petition for injunctive relief and asked the court to find the planning board ruling illegal.

In a nine-page document, he argued that when the entire Keewaydin subdivision was approved, the traffic impact from the entire 18 lots was considered by the planning board. He contends that the board does not have the authority to extract funds for offsite improvements in relation to site plan approvals, because these issues are resolved in the subdivision approval process.

New England Brickmaster seeks approval of the site plan without the condition of payment. The company also sought injunctive relief, to begin the construction project immediately, and place the \$39,397 in question either in the hands of the

court or in escrow until the court could render a final decision.

Court Presiding Justice Bruce E. Mohl ruled last week that the planning board does have the statutory authority, per RSA 677:44, to require the extraction of funds. In a 10-page ruling, Justice Mohl also found that the board has the authority to condition site plan approval on the payment of funds for off-site roadway improvements.

The Town still has to show, however, that the sum of \$39,397.51 is a reasonable and fair payment to request from New England Brickmaster. The town also has to prove that traffic will be increased as a result of New England Brickmaster's business and there will be increased use of Pelham Road.

The court also ruled that New

England Brickmaster's request for

temporary injunctive relief be denied,

and that the town must hold the

\$39,397.51 in escrow until the complete resolution of this case.

EDITORIALS

Impact fees tough nut to crack

The Town of Salem has won an early round in what will undoubtedly be a long match.

It involves the growing use by Salem's Planning Board, and by planning boards all over the country, of a funding device known as impact fees in the formidable process of paying for what has come to be called "infrastructure": the roads, the bridges, the buildings and everything else public that's needed to make a community workable.

If we are going to continue to grow we will need such things. Someone has to pay for them. Who?

The immediate case we have in mind is the New England Brickmaster case, in which a Superior Court ruling has denied any immediate relief for a would-be builder, while reserving its position in the long run.

We are not here arguing the merits of that case, but trying instead to dilate our general thinking about the situation as a whole.

Impact fees are based on the assumption the cost should fall directly on those investors who fund the private elements in such growth.

Build a new building, in other words, and you must as part of the process be expected to pay whatever costs there are for the improvement of the community around that building: the widening of an existing road leading to your building, for example, and for the cost of any other "impact" your investment may have on the town.

Not a bad idea, wouldn't you say?

The more you think about it, however, the more complicated the situation becomes.

It raises the question, first, of whether or not we want our town to grow. If we want things to stay just as they are now, then the answer is to throw any roadblock that may be possible in the way of new construction. If, on the other hand, you take the position a new building could mean new jobs, close to home, which could in the long run make it possible for the youngsters we are educating in our local schools eventually to find a job here, close to home, and thereby strengthening our whole economy, then the picture becomes a little different.

It would be silly, in such a case, to punish the potential investor, or to discourage him.

The situation is complicated even a little further when you take into account the financial impact on existing property of such fresh

investment. In general any increase in economic plant tends to increase the value of a community's existing property.

If you doubt that fact, take a long hard look at what has been happening to real estate prices these past few years, as Salem has grown, and grown, and grown.

The ultimate cause of ratcheting land prices, of course, is not the number of new buildings, but the number of people in them — living in them, working in them, shopping in them — but you cannot have more people without more buildings to accomodate them in one way or another. So new buildings are an index of growth.

Now, you may, or you may not, like what has been happening. It depends, in simplest terms, in whether you are trying to buy a house or have just sold one.

Growth has a way of enriching us all, in book value if no way else, and that has a bearing on whether or not growth should continue.

The ultimate truth — on which it is possible to agree — is that the cost of infrastructure should be spread out fairly through the community as a whole. But how is that accomplished?

Simple, unqualified impact fees, recklessly applied in a random manner are surely not the answer. But rationally applied they could make sense.

A search for the difference between the two is what is going on these days, not just here in New Hampshire but in the country as a whole.

There are several bills pending before the General Court, and the complexity is to be seen in the fact not all developers are against all impact fees. The more careful thinkers among them would rather have the equation completed than be forced to keep guessing how much what planning boards where are going to sock it to them where. And when.

Neither developers nor builders, of course, pay impact fees in the long run. They are forced to pass them along. Fees are a cost of doing business and must ultimately end up in price. Developers care primarily because the higher the price the harder it is to sell.

It is the consumer who must pay in the long run. That means all of us. You and me. So it is a snarl which must be unravelled, no matter how long it takes.

Between
The
Lines

by
Henrietta
Choate



seeing strangers.

But it is hard to know what one should think.

There have been altogether too many people falling out of airplanes, too, although I am not one of them, never having set foot in a flying machine and being perfectly content to stay here at my present

elevation.

And let me tell you that if I were ever to get inside of an airplane the first thing I would do is to hold on.

It is the principal of the thing.

I would rather not say anything more on the subject until having thought it over. Carefully.

And also, there is the fact I have run out of ink.

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WE NEED YOUR HELP

Vote YES Articles 13-14-15

Important Notice To ALL Taxpayers



When reasonable judgment is swayed by personal goals, it's time to let your voice be heard. Salem's "Pro-Residential Planners," whom we whole heartedly support, are not addressing the whole issue. We disagree with maintaining residentially-zoned land in commercial area.

To limit commercial development along natural business areas of route 28 and 93 is bad for you and your tax bill.

VOTE YES ARTICLES 13-14-15

As life long residents of Salem, we feel strongly for its preservation.

In order to maintain and preserve the natural existing residential areas of Salem, Route 28 and 93 development should be allowed to continue. Remember commercial taxes help subsidize your current tax bill. You need the tax revenue.

VOTE YES ARTICLES 13-14-15

By maintaining residential zones land in commercial areas the tax income is reduced!

Let's allow these business owners to spend money and increase our tax base without so much hassle. Let's receive the tax revenue.

VOTE YES ARTICLES 13-14-15

Sponsored by the Winmill Family
Life Long Residents of Salem

4/17/89

T Town wins landmark impact fees case against developer

by Monique Duhamel

SALEM — The Town has won in a lawsuit filed against the planning board by New England Brickmaster involving traffic impact fees.

Judge Kenneth R. McHugh of Rockingham County Superior Court ruled that the planning board's decision to assess \$39,377.51 for traffic impact fees from New England Brickmaster was reasonable.

However, if the town does not begin a road improvement project in the Pelham Road corridor within the next three years, the impact fee which is presently in escrow will not have to be paid.

New England Brickmaster brought suit against the town in December 1988 arguing that it should not have to pay impact fees. Their October 26, 1988 approval by the board was contingent upon payment of these fees.

The building in question is a 44,840 s.f. construction on a lot located in the Salem Industrial Park at 45-51 Northwestern Drive, part of an 18-lot subdivision previously approved by the planning board.

The subdivision had been developed by Keewaydin Realty Trust, which paid \$100,000 to the town in impact fees for the entire subdivision. The funds were earmarked for the widening of Pelham Road from Manor Parkway to Commercial

Drive.

In the lawsuit, New England Brickmaster argued that the extraction of money from them by the planning board was illegal. They argued that the funds obtained by Keewaydin provided for the prospective traffic impact of the entire development.

The court petition further argued that the town did not have the statutory authority to obtain funds from developers for off-site improvements as a condition of site plan approval. Thus, they sought approval of their plan without the conditional payment of nearly \$40,000 to the town.

The original petition sought to place the questioned funds in escrow and allow New England Brickmaster to proceed with construction.

Rockingham County Superior Court Justice Bruce E. Mohl ruled in February that the planning board did have the statutory authority to require traffic impact fees. Mohl also found that the board had the power to grant conditional approval based on the receipt of these monies.

That was not the end of the suit, however. From that point, the Town still had to prove that the sum of \$39,377.51 was a reasonable and fair payment to request from New England Brickmaster and that traffic would increase as a result of the new building.

Last week, Justice McHugh ruled that the payment was reasonable. The Town provided the court with a detailed report from the town's traffic consultant, Vanasse Hangen Brustlin Inc. New England Brickmaster did not produce evidence which disputed the findings in the consultant's report. It also did not challenge the total cost of the improvements.

"With respect to the question of whether or not the decision is unreasonable, the Court finds that on the balance of probabilities, on the evidence before it, said decision was reasonable," wrote McHugh in an eight-page ruling.

While he ruled in favor of the town, he also provided an open door for New England Brickmaster.

"All is not lost for the plaintiff...If the (road widening) project is not underway within three years, the letter of credit is revoked and cannot be renewed, which in fact means that the plaintiff will not have to pay an impact fee. As things presently stand, the Town does not appear to be moving rapidly to do what it has to do in order to get a project of this magnitude off the ground and therefore the odds are good that the impact fee imposed may never have to be paid," he concluded.

Hospital

Continued on page 2

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Town proposes architectural guidelines for Main Street

By Monique Dubane

SALEM — Last Tuesday night, the planning board held a worksession on proposed architectural guidelines for the Business Office District, which includes businesses on Main Street.

According to Director of Development Ross Moldoff, the criteria presented to the board was a rough draft and will be amended before being adopted as part of the site plan regulations. The guidelines were drawn up by Moldoff, Planning Board member Emil Corrente and local architect John Brennan.

The general guidelines were drawn up by Moldoff, and the more specific ones by Brennan, at Moldoff's request for assistance. The general guidelines call for

preserving whenever possible existing buildings with historic features. Other general guidelines include the following:

1. Height, bulk, and area of building
2. Type and pitch of roof
3. Size and spacing of windows, doors and other openings
4. Size, type and location of towers, chimneys and roof structures
5. Exterior colors and materials.

— Applicants are encouraged to review the numerous pictures of residences in Gilbert's *History of Salem, NH* (available in Kelley Library and Planning Department) for examples of acceptable architecture.

— The Planning Board will con-

The specific guidelines call for no parking within 25 feet of Main Street, and a landscaped buffer between the paved area and the lot line.

A row of hemlocks with a maximum spacing of 10 feet is preferred. A three-foot high fence shrouded by shrubbery with an 18-inch high minimum may be substituted for the hemlocks.

The roof eaves shall be no higher than 20 feet from the finished grade, and all roofs exposed to view from Main Street and side lot lines shall be asphalt roof singles or the equivalent, in dark earthtone colors.

sider the following items when reviewing plans for exterior architectural design and appearance:

1. Height, bulk, and area of building
2. Type and pitch of roof
3. Size and spacing of windows, doors and other openings
4. Size, type and location of towers, chimneys and roof structures
5. Exterior colors and materials.

The specific guidelines go into much greater depth. Brennan said when he was drawing up the criteria, he tried to be specific without being overly regulatory. He admitted that by trying to be too specific, the criteria may present some problems.

Moldoff plans on making the criteria more flexible before the board adopts them. The idea for guidelines came about after the board approved an office building for Main Street that was not residential in appearance.

"I think we need something to give the people to show what we want," he said. The town ordinance calls for residential-type buildings in the Business Office District, according to Moldoff.

"All I'm trying to do is implement the ordinance," he said.

EDITORIALS

It's a whole new ballgame

The Salem Planning Board, already over-worked to a point where it is a bottleneck for orderly growth, is talking about an entirely new area in which to wield its power.

The Board has under consideration the imposition of "architectural guidelines" for what is defined as the Business Office District.

Does it sound innocuous?

The truth is that "guidelines" of this sort add up to a brand new responsibility for an agency which is already — partly through its own style, and partly because New Hampshire is the second fastest growing state in the nation — in over its head.

These proposed new guidelines must be seen for what they are: new "muscle."

The plan had been to quietly drop them into place, simply by making them a part of the site plan amendments, without either the guidelines themselves, or the broad new powers, ever having been the subject of public review.

It is a clear case of "the foot in the door," or the "camel's nose under the edge of the tent."

The generally accepted role of New Hampshire's planning boards falls into the category of police powers. The nature of those powers is to prevent one landowner from damaging, or infringing upon, the rights of another.

These new architectural guidelines have nothing to do with police powers. They are another kind of animal.

They fall into the category of aesthetics — or "taste" — an area of concern which planning boards only a few short years ago recognized as beyond their proper territory.

The inherent danger in such agencies as planning boards, of course, recognized as long ago as the *Federalist* papers, is the inevitable

tendency for power to mushroom.

Power has a delightful flavor. Planning board members, being only human, enjoy it, the way most of us enjoy chocolate or vanilla. Once they get a taste for power they find it hard to know where to draw the line.

That is exactly why the founding fathers gave us the separation and the balance of powers.

The nature of the human animal is such, of course, that we do need police powers, and they must be vested in someone, so the issue here is not whether Salem needs its planning board. We concede that for now.

The issue, rather, is what should be expected of that board — and what should not.

If the board's police powers were presently being soundly and universally enforced, it might be time for us, as citizens, to start talking about and expansion of the board's role.

But, in the first place, that is not the case. We can cite case after case in which the board and its professional staff are still playing catch-up. Theirs is not an easy job, of course, and the point here is not to chide them for getting behind, or for letting things get by that should not have gotten by.

This is not the time, therefore, for them to take on a major new responsibility, even if it were a proper function of the planning authority — which this one is not!

Architectural guidelines are a matter of taste, and when you get into that kind of quagmire you get into a rat's nest . . . as the people of Paris are aware right now, with Architect I.M. Pei's new glass pyramid in the courtyard to the Louvre.

There is even a phrase for it:

De gustibus non est disputandum (Latin: In matters of taste there is no disputing.)

backyard that is wide open, and not being used, would be delighted to have something built on it.

There is, in fact, an old saying, which I suppose you have heard. It is, in fact, that there is

why their own backyard has not been snapped up.

Hence the saying: WNIMBY?

Well, as for me, I have got the answer. I can tell you why I do not want them building a hospital in my backyard, as fine a thing as one's hospital might

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65 Pond Street
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Local news

Across The Valley

A news digest

Anti-drug special to be aired

DERRY, N.H. — For the next month, cable television viewers in the area will be able to watch without charge a Home Box Office special on preventing drug abuse.

The cable company will rebroadcast a special that advises parents on how they can raise a drug free child. Hosted by Mary Tyler Moore, the show tells parents what signs to look for to figure out if their child is using drugs. The show also gives options on what parents should do.

The show will air at various times on Channel 48 in Salem, Derry, Hampton and Sandown over the next month. Tom Cagney from Continental Cablevision said the company thought showing the special for free would be positive step the company could take in fighting drug abuse.

Survey identifies 250 firms

HAVERHILL — A new survey shows the downtown business area has an 84 percent occupancy rate.

Micklon claims politics behind his removal

By Jim Van Anglen
Eagle-Tribune Writer

SALEM, N.H. — The School Board was successful in getting Selectmen Douglas Micklon and Richard Gregory taken off a committee formed to look into class space needs.

Mr. Micklon, yesterday, claimed school officials do not want him on the committee because his opinions are too conservative.

"I know why they don't want two selectmen," he said. "I'm the conservative, I can be the best pro- or I can be the best opponent of any proposal."

School Board Chairman Donald Jutton last night said school officials asked for the change, but strongly denied that it had anything to do with either selectmen's opinions.

"It's unfortunate that Mr. Micklon feels that way," Mr. Jutton said. "That couldn't be further from the truth."

The committee is made up of local officials, businessmen, and residents, with its first meeting slated for Thursday.

The Budget Committee recently rejected a \$6.4 million building plan.

School officials hope the new committee can come up with something that is acceptable.

what areas in Salem are going to grow the fastest in the next few years.

But Mr. Micklon argued Mr. Moldoff could be put in a tough position because his wife is a teacher in the district.

School officials wanted someone currently on the planning board, which will develop a capital improvements plan this year. Mr. Jutton said, "The town and school district would have a better understanding of each other's needs."

Mr. Micklon argued Mr. Gregory — a former Planning Board chairman — would give the committee the same perspective.

Derry's proposed rate hike to lift water cost 13 percent

By Susan Maddocks
Eagle-Tribune Writer
DERRY, N.H. — Town wa-

Other lawsuit filed against Town

By Unique Duhamel

SALEM — The former Observer building in the Salem Depot is the focus of a lawsuit recently filed against the town.

In a five-page suit filed against the planning board in Rockingham County Superior Court, James C. and Robin M. Massahos are asking the court to overturn a decision made by the planning board regarding the Main Street site.

The building in question is located at 90 Main Street and owned by the Massahoses. It was built around 1900 and has not been modified or changed since that time. During its existence, the building has been used as a grocery store, hardware store, newspaper office and real estate office.

The building has been vacant for a substantial period of time. At the beginning of April 1989, the plaintiffs were approached by someone who wanted to rent the property for a take-out roast beef sandwich shop, which is a permitted use in that district.

Next door, at 80 Main Street is a Chinese restaurant. At 70 Main Street is a family style restaurant. At 67 Main Street is a breakfast diner and at 69 Main Street is a sub shop.

The plaintiffs sought a change of use permit for the building from the Town Planner Ross Moldoff. He denied the request on April 14, and the matter went on to be heard at the April 18 planning board meeting.

The suit calls the planner's decision arbitrary and stated there are no guidelines by which the planner is to make a decision.

When the issue appeared before the planning board, members argued that it should go through the site plan review process. The board supported Moldoff's decision and also denied the proposal.

In the suit, this decision is termed "arbitrary, capricious and can be utilized by members of the Town for other motives unrelated to the sub-

ject property."

The planning board denied the request due to lack of on-site parking.

The plaintiffs, however, argued that the Town has made it clear as a result of a mall that is pending before the planning board that, if approved, the Salem Depot intersection would require substantial upgrading to avoid a gridlock in traffic.

During this hearing, the petitioner asked if the area was slated for urban renewal or eminent domain proceedings by the town. The planning board members said it was not.

The suit outlines events which occurred following the planning board hearing. Two days after the board meeting, Moldoff requested a meeting with the petitioners. According to the suit, he said if they would deed 10 feet of their property to the Town of Salem for no consideration, the petitioners could tear their building down, build a high rise building with parking underneath and be able to get permits to do this.

If this did indeed happen, the plaintiff argues that the traffic from such a site would be far greater than the traffic impact from the site as it now stands with five parking spaces.

Before Massahos had been approached about the roast beef shop, he had been approached by an agent of the engineering company who is employed by the mall developer and was offered an option to purchase the property.

The traffic study submitted by the mall to the town and dated March 30, 1989, outlined a possibility of land taking of approximately 10 feet of the property at 90 Main Street.

The suit argues the town denial is a ploy to allow the mall company to purchase his site at a lesser value. "The continued vacancy of this

property is in the best interest of the Town in that it reduces the value of the same if the Town or the developer is going to attempt to take the property by eminent domain," reads the lawsuit.

"The petitioner believed and asserts that the denial of his request to have a roast beef sandwich shop on the property is an attempt by the Town to obtain the petitioners' property at a much reduced value," argues Massahos in the suit.

The Massahos lawsuit seeks for the court to grant certiorari, a formal acceptance of the case. The suit also asks for the following:

— That the Court find the action of the Town Planner is arbitrary and capricious;

— That the Court find the actions by the Planning Board are unlawful, unjust, and unreasonable;

— That the Court find that parking is provided under zoning for Commercial District A control;

— That the Court grant that the use of a restaurant is reasonable, is a commercial use, and is a use permitted within the district;

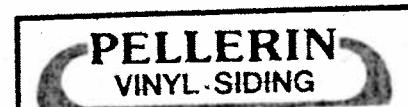
— That the Court find that the actions by the Town are intentional, malicious and an attempt to confiscate the Petitioners' land without due process of law or just compensation;

— That the Court award the Petitioner the lost rent in the amount of \$2,000 per month from the time of the hearing through the granting of this ordinance;

— That the Court impose further sanctions against the Town of Salem including exemplary damages as a result of the actions of the town officials.

Massahos is being represented by Atty. H. Raymond Kelllett, who also serves as the president of the

■ See LAWSUIT, Page 2



Lawsuit

Continued from Page 1

citizens group, Citizens for Responsible Development (CRD), a watchdog group on the progress of the proposed mall to be located at Rockingham Park and off Pleasant Street, where Kellett's home and office are located.

"I think the planning board has been consistent in their concern for parking and traffic circulation in the Salem Depot," said Moldoff. He noted that this is not the first time a fast food site plan has been denied in the Depot on the basis of traffic concerns.

Town Attorney Robert Ciandella agreed that the planning board did act within its authority and that the decision was proper.

"Clearly the planning board has

the authority to propose ingress and egress and parking specifics for sites," he said.

The last time a fast food site plan was denied for traffic reasons was in November 1987. The Lee site plan proposed a change of use at 99 Main Street to have a Chinese food take out restaurant. At that time, planners denied the plan under the provisions of Section 268:8A(l) of the Zoning Ordinance, which discusses maximum traffic safety.

The formal acceptance of the case, certiorari, was scheduled to take place on Wednesday morning, May 24 in Rockingham County Superior Court in Exeter. At press time, no further hearing dates had been set.

High taxes top list of residents' dislikes

5/25/81

SALEM — High taxes and the depot traffic are the things people dislike most about Salem. These are just some of the results of a community attitude survey conducted by the planning department during the 1989 Town Meeting.

Respondents to the questionnaire were on the average, long term residents of the town, with an average 22 years residency.

They showed a strong support for spending town money on the acquisition and preservation of open space; restricting development around lakes and ponds; allowing private elderly housing and manufactured housing in selected areas; buffer zones between residential and commercial developments; a long range road maintenance program and sewerage the Canobie Lake area.

Respondents were opposed to changing the minimum lot size for new homes, sewerage the Shadow Lake area, and expanding mobile home parks.

Some of those who filled out the questionnaire also showed moderate support for trails in the town forest; allowing landowners to build in more concentrated patterns in return for preserving open space; townhouses in selected areas; spending town money to build more elderly housing; developing a "Town Center;" and extending sewer to Millville Lake and Arlington Pond.

None of the residents were interested in a shuttle bus service along Route 28.

In terms of traffic, a large majority said the Salem Depot is the worst intersection in Salem, followed by the intersections at Route 28 and Route 111, Route 28 itself, Main and Millville Streets, and Route 28 at the Post Office. Other intersections cited as poor were Route 28 and Cluff Road, Main and School Streets, Route 28 and Taylor Street, and Route 28 and Lawrence Road.

Residents generally like Salem's location, with its easy access to Route 93, mountains, beaches, and Boston. In order of preference, other respondents like the schools, fire department, people, shopping, police department, quality of life, Town meeting, town services, atmosphere, "It's not Massachusetts," and the highway department. One person each responded that he/she likes the colorful locals, senior citizen activity, new mall and hospital, good mix of residential and commercial use, no sales tax, the Kelley Library, knowing town officials and Ross (Moldoff), Kate (Welch), and Suzanne (Doucette) who are all plan-

ning department officials.

Topping the list of things residents said they don't like about Salem is the high tax rate, traffic, and growth and congestion. Several people also said there were too many malls, no affordable housing, no public transportation, no public participation and no hospital.

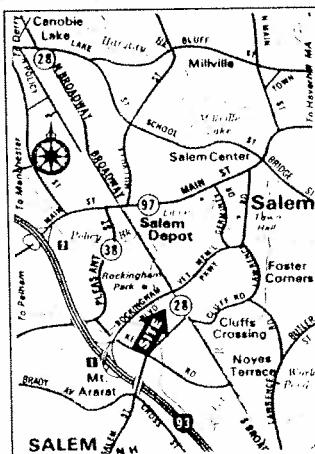
Also on the list of dislikes was the appearance of Route 28, road conditions, water and sewer rates, politics, "stacked" town meetings, no sewerage for all, too many laws, and no garbage pickup. Others said the contractors run the town, there is no downtown area, they don't like the way the town is run, the police department, the selectmen, and the lack of zoning enforcement.

Out of all the people who did attend Town Meeting this year, less than 100 even bothered to fill out the questionnaire and return it at all. This illustrates that one more item should be added to the list of dislikes about the Town of Salem: public apathy.

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7/20/89

Poland Narrowly Elects Jaruzelski to Presidency

Wojciech Jaruzelski received a total of 270-233 with 34 abstentions. The sole candidate, he needed 246 votes to win.



1985 as head of the State—the collective that includes top of the communist council by a chairman who at times referred to as of the council. Realized with the ruling which he also led. After Jaruzelski, the Assembly assured he control of the foreign relations. Jaru-

zelski will also nominate the next prime minister who in turn will form a government with parliamentary approval.

One by one, lawmakers filed up to a wooden box at the front of the chamber and deposited printed paper ballots.

Many held up ballots showing they were voting against Jaruzelski. At least three said they weren't participating at all because

POLAND Page 11

Developer To Fill Wetland At Mall Site

BY DIANA W. BROWN

Union Leader Correspondent

SALEM — The town's planning board and conservation commission, in the first victory for a proposed \$86 million "mega mall," tentatively approved a wetland filling permit for several acres inside the site, the planning director said yesterday.

After Tuesday's late-night bargaining session, the mall's developers, New England Development Co., presented the final site plans for wetland and flood-control measures, and the planning board said it would approve the permit once the state's permits are received.

A second site walk was scheduled by the conservation commission after it contested some of NED's plans.

Planning Director Ross Mol-
SALEM MALL Page 12

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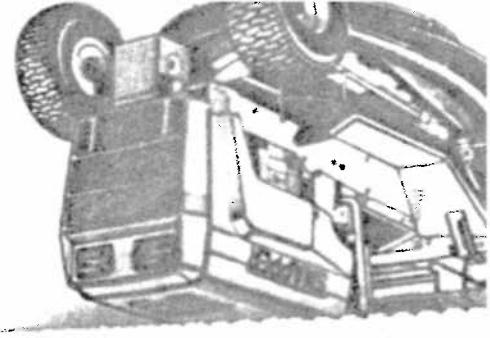
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Page 11**

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Another nice thing about the NorthEast I.



IS YOUR OVERNIGHT STAY ONE OF THE NICEST THINGS ABC

THE UNION LEADER, MANCHESTER, N.H. — Thursday, July 20, 1989

—SALEM MALL—

(Continued from Page One)

Moldoff said 4.7 acres of the lot's 5.2 acres will be filled. The remaining .5 acres will be used as new wetlands inside the 83-acre site along Rockingham Park Boulevard and Pleasant and South Policy streets.

NED has proposed a two-story, 150-store mall for the site.

"The process is moving along. We're acting on the plans in time, and the next big hurdle is going to be traffic," Moldoff said. Final traffic plans will be presented at an Aug. 15 public hearing.

For flood and water-quality control, NED proposed building three detention basins that would retain most storm water runoff and direct it to deep marshes.

Citizens for Responsible Development, a local watchdog group, hired an independent consulting company to review NED's plans. The group concluded that another retention pond should be considered for the site.

Moldoff said the group's proposals will be reviewed, but the town will likely follow advice from its hired consultant, Peter Smith of Weston and Sampson Engineers Inc. in Peabody, Mass.

"We've got an independent, third party to evaluate on behalf of the town who is not advocating a pro-mall or anti-mall stand. He's neutral, and he's the one we've got to go with," Moldoff said.

Indian Mask Seller

MONTREALER

(Continued from Page One)

Albans, Vt., customs station said they were caught off guard by the large number of passengers.

They were expecting 80 passengers when they boarded the southbound train in Alburg, Vt. Instead, they found 180 people, including 23 aliens who required documentation, said Noel Induni, assistant officer-in-charge for the St. Albans immigration office.

"We got there with two inspectors, and normally we would use four for that number," he said. "And because documentation is not passed out in advance, it creates a difficulty when we get there, because then we have to give them the forms to fill out."

He said they plan to work out the kinks in the inspection system for the newly restored Amtrak service.

But the councilors, who were among those who were not allowed to use the rest rooms for two hours, theorized that the reason behind the delay was not simply a short supply of agents.

"I think customs was angry with Amtrak and that customs wanted some of the Amtrak funding for additional U.S. Customs positions. But that's why we're asking the Congressional delegation to investigate and find out why," Spaulding said.

"On the way up to Canada on Monday there were no problems. Canadian customs came aboard early and the interviews were done in 20 to 30 minutes with the utmost courtesy," said Spaulding.

The Montrealer returned to northern New England this

week after a two-year hiatus caused by deteriorated track, which made the train consistently late. Tuesday's train from Montreal was the first since April 1987.

Burton said, "If Amtrak's Montrealer is going to succeed, we will need the support of all government agencies. It should be looked upon as an opportunity for increased tourist and business service to the New Hampshire and Vermont area."

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Hospital proposal denied

by Monique Duhamel

SALEM — By unanimous vote, the New Hampshire Health Services Planning and Review Board denied the application to construct a hospital in Salem.

Health NorthEast, parent company of Manchester's Elliot Hospital, had filed a certificate of need (CON) application with the board for a 90-bed regional hospital on land off Veterans Memorial Parkway.

They will appeal the denial and go all the way to the Supreme Court if necessary.

Board member John Hammond said the board was dealing with the issue of separating needs from wants.

Fellow board member Edward Haseltine agreed. "It's perfect evidence of want. We have to separate needs and wants. There's no need down there," he said. "It's going to be a long day until I approve any new beds in acute care hospitals in this state."

Board chairman Leigh Bosse said he tried to justify a favorable vote.

"I have tried and tried to find a way to vote for this but it doesn't meet the standards," he said.

The board voted 9-0 to deny the CON application. Board member Ruth Griffin, who serves as executive councillor for N.H. District 3 which includes Salem, was not present for the meeting and did not vote.

The board also turned down a proposal for an expansion to the Elliot Hospital in Manchester.

Health NorthEast first filed the CON in the fall of 1987. The Health

Services and Review Board only had standards for additions to existing hospitals. The board decided to draw up standards for new hospital construction, which delayed the process by one year.

The CON application was resubmitted in the fall of 1988 and had to overcome several hurdles. The proposed Senate Bill 120 in the state legislature would have placed a two-year moratorium on new hospital construction. It was amended.

Then, Parkland Medical Center of Derry requested that the Health Services Planning and Review Board dismiss the CON application. The board unanimously denied that request.

Along the path to seeking approval for the CON, Health NorthEast established offices for the Salem Regional Medical Center (SRMC) at 2 Keewaydin Drive, and established an advisory committee comprised of local residents. They also purchased 10 acres of land for the hospital construction, located behind the Salem District Court House.

The SRMC also received a variance and a special exception from the Salem Board of Adjustment to build the hospital in that location. Town Meeting voters also approved an access easement over town owned land for the SRMC.

After all these processes, the Health Services Planning and Review Board held two public hearings on the CON. The first hearing was in May, the second in June. Both featured proponents and opponents of the hospital construction. Among the opposition were representatives

of Holy Family Hospital, Lawrence General Hospital, Parkland Medical Center and St. Joseph's Hospital in Nashua.

The opposition argued that another hospital would increase health care costs and that there were enough hospitals in the greater Salem area.

Proponents related horror stories about nearby hospitals and said the need for a hospital in Salem does, indeed, exist. Several doctors said there is a great difficulty in scheduling operations at area hospitals and the quality of care at these facilities is a concern to them.

They also said the Salem population, and the daily expansion of population due to work and shopping facilities, would make use of the hospital. Health NorthEast officials said the hospital would serve the greater Salem area, including Hampstead, Atkinson, Windham, Pelham and Salem. Opponents say there are several hospitals within 15 minutes of the area. On that list are the Exeter Hospital, Hale Hospital in Haverhill, two Lowell hospitals and two Nashua hospitals.

Salem is the sixth-largest community in the state and is continuing to grow, yet is the only one of the nine largest communities without its own full-service hospital.

The worsening health care climate in Massachusetts was also a point in the public hearings held before the review board.

Health NorthEast can begin their appeal process once they receive written confirmation of the board's denial.

Garden Club honors Commercial Landscaping Awards recipients

9/9/89

The Salem Garden Club announced their 1989 Commercial Landscaping Awards. The awards were presented to six Salem businesses on Tuesday, Aug. 8, in the Salem Municipal Office Building, prior to the regular Planning Board meeting.

The Salem Garden Club committee, including Doris Flaherty, Sally Logan, Doris Lambert, and Town Planning Director Ross Moldoff, reviewed over two dozen commercial sites in Salem. The committee chose six sites as outstanding examples of landscaping and beautification: Breckenridge (North Broadway), Wickson Corners (Ermer Road/Route 111), Rockingham Mall (Cluff Crossing Road), 99 Restaurant (South Broadway), Nettle's Mall (South Broadway), and Rockingham County Trust (North Broadway).

Moldoff said, "These sites are beautiful attributes to our town. They show how some commercial property owners who care about the community can put up attractive buildings and maintain appealing settings." Mrs. Flaherty said, "The Garden Club hopes these awards will stimulate other commercial sites to add landscaping and thereby beautify the town."

Several other sites in town were lauded by the Garden Club committee and given Honorable Mention recognition. These include: Newman Ford (South Broadway), D'angelo's (South Broadway), May's Florist (North Broadway), and Market Basket (South Broadway).

This is the third consecutive year of Garden Club awards to commercial sites.

New Assistant Planner on board

8/9/89

SALEM — Charnan Bray, the town's new Assistant Planner, began her duties this Monday in the Municipal Office Building.

Bray will assume the duties formerly assigned to Kate Welch, prior to her departure. These duties include long range planning, such as the capital improvements plan, master plan update, zoning, subdivision and site plan amendments, a town land report and an open space plan.

Additionally, Bray will have daily administrative tasks including providing support to the Conservation Commission and the Affordable Housing Task Force. She will also provide back up to Planning Director Ross Moldoff in reviewing plans, meeting with applicants, enforcement and attending meetings.

Bray received her B.A. from the University of New Hampshire in 1980. She completed her advanced

seminar in housing police in the fall of 1988. She also completed her coursework for a Master of Arts in Public Policy from Tufts University in the spring of 1989.

She has previously worked for the Women's Institute for Housing and Economic Development as a graduate intern in 1988. From 1985 to 1987, she worked as a protective service supervisor for the Senior Home Care Services Inc. of Boston, Mass. In this position, she was responsible for a five-person crisis intervention team which provided assistance to elder victims of abuse and neglect.

Bray has also served as interim director of the Elder Homeless Program in 1987, assisting caseworkers in locating permanent housing for chronically homeless elders.

From 1984 to 1985, she served as an evening manager at a live-in psychiatric facility, the Wild Acre Inns, in Belmont, Mass., where she was

responsible for crisis intervention and ongoing clinical assessment. Locally, she has served as the director of the Seabrook Community Action Program in Seabrook, N.H.

Bray said she applied for the position in Salem because she is interested in the growth in the area.

"Salem is an extremely fast growing community and has taken some interesting steps in the areas of conservation and affordable housing," she said. "I wanted to get in on the progress."

Her goal, in addition to the ones assigned to her by Moldoff, is to encourage more public involvement in the planning process, and in conservation and affordable housing issues.

"We're happy to have Charnan on board," Moldoff said. "She's very enthusiastic and confident. We look forward to the assistance we're sure she will provide."

Ethics

Continued from Page 1

2/9/89

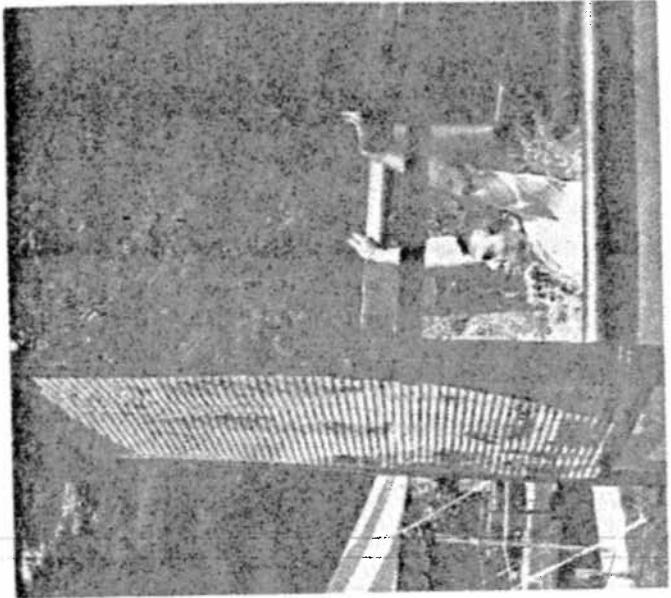
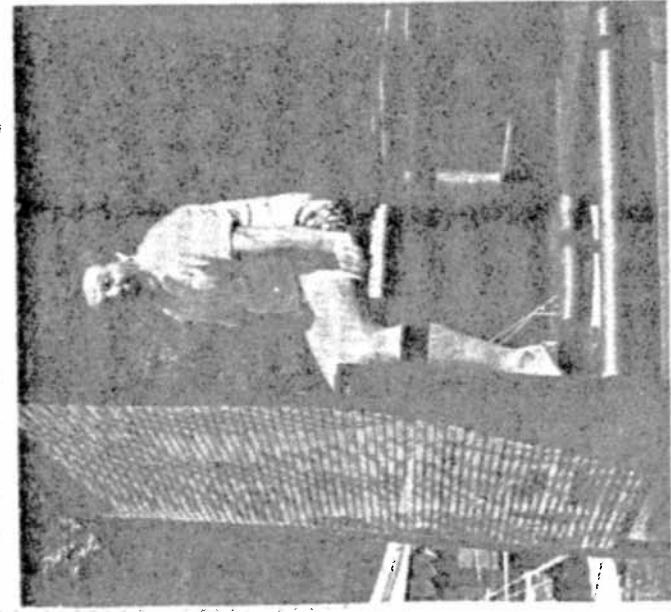
It looks like Planning Director Ross Moldoff will have to eat his words. In January, he told *The Observer* that there would be slow growth in 1989. Well, the poor man, his staff and the planning board are almost pulling their hair out over the enormous number of projects going into the planning department.

Tuesday night's planning board agenda had 21 plans listed on it, although the board did not come close to addressing all the agenda items.

Among the plans in line for review are two Route 28 shopping centers (which we really need); the proposed mega-mall; a new location for Kentucky Fried Chicken, further south on Route 28; a 40-seat restaurant on Main Street, next to Parcel Plus; a relocation of the corkscrew rollercoaster at Canobie Lake Park; a gas station and convenience store on the former site of the Canobie Fish and Game Club on Lowell Road (the Klemm plan); residential subdivisions totalling more than 150 lots; another industrial building on Northwestern Drive; a new Indian Head Bank site (directly south of May's Florist); an expansion to Canobie Market; and an expansion to the Spicket Valley Credit Union.

That looks like enough to keep the board more than busy for a while. Moldoff said some plans have to wait up to a month to be heard and hopes that people will understand and be patient. "We're going as fast as possible," he said. "There's just too many plans."

Salem Old Home Days



INTO THE DRINK — Salem Selectman Joseph Gagnon gets wet as residents took turns throwing balls at a target to knock him off his perch during Salem's Old Home Days yesterday. (Photos by Diana Brown)

Selectmen Try To Dodge the Drink

By DIANA BROWN
Union Leader Correspondent

SALEM — The setting wasn't very different from the most heated selectmen's meetings: Joseph Gagnon on the defensive, dodging his colleagues best fastballs.

Only this time, the feisty Gagnon got wet. It was Gagnon's day in the sun and water — when fellow selectmen and residents took aim and threw, submerging him into the tank below.

Politics spiced the day's light-hearted fun. "I warmed up the water for him," joked Micklon, while drying off after his stint in the booth.

"Ah, we already know he's all wet," State Rep. Stephanie Micklon chimed in.

Gagnon fired back a few jibes. "Come on meathead," Gagnon yelled at Planning Director Ross Moldoff before Moldoff threw his last ball, sending Gagnon into the water. "It's meant as fun," Gagnon said with a laugh.

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Find out business trends, trades, and do business and financial pages of The Union Sunday News.

President Bush clambered aboard his Marine helicopter at Pease Air Force Base, clutching one of Georgetown's blue-and-white 150th anniversary T-shirts and a matching cap.

They were gifts from Boy Scouts in Troop 50 from Georgetown, presented in a whirlwind meeting with Mr. Bush on the Pease tarmac yesterday afternoon.

Precisely at 4:30, as promised,

people, White House staffers and aides, and Chief of Staff John Sununu disembarked.

Mr. Bush bounded out front door.

He passed a couple of minutes with the 27 scouts and their leaders — probably not long enough for the scouts to earn their citizenship badge's "meet with a public official" requirement.

Then he spent the next minute or so with some elderly people

Ex-official indicted in shake-down try

By Jim Van Anglen
Eagle-Tribune Writer

SALEM, N.H. — Charles McMahon faces charges he tried to shake down three local businessmen and then lied about it to a federal grand jury.

Authorities allege he put his Salem Planning Board vote out to hire in 1985, using a middle man to lean on the businessmen.

The grand jury handed down a 17-count indictment against the former planning board member

"I have never, never taken a nickel to vote one way or another on any board I've ever served on," Mr. McMahon, 7 Benning Road, said yesterday, denying all the allegations.

Acting U.S. Attorney Papps yesterday refused to comment on the charges or even confirm their existence.

Mr. McMahon is charged with:

ATTEMPTED EXTORTION,
Please see **McMAHON, Page 8**



Child finds police gun on Stoltz-Gurney's street

By Susan Maddocks
Eagle-Tribune Writer

WINDHAM, N.H. — A little girl found a loaded police officer's gun down the street from Windham shooting victim Miriam Stoltz-Gurney's home.

Erica Heilman, 5, thought she had found a water gun and brought it home.

Before any harm was done, the girl's mother took the weapon.

The girl found the gun last week, in brush off of Rock Pond Road, her mother said.

The weapon belonged to a Windham officer, and that officer has been disciplined, but Police Chief Papps yesterday refused to comment on the charges or even confirm their existence.

Mr. McMahon is charged with:

ATTEMPTED EXTORTION,
Please see **McMAHON, Page 8**

Twelve-year-old Gary Patten, the son of Lance and Laurie Patten, 12 Wells Ave., Georgetown, gave Mr. Bush a caricature he had drawn depicting the president behind a podium, waving an American flag.

"He said I might be a pretty good cartoonist when I grow up," Gary said. "I think he's a pretty nice guy."

Mr. Bush shook hands with

the scouts and their families

— probably not long enough for the scouts to earn their citizenship badge's "meet with a public official" requirement.

Then he spent the next minute

or so with some elderly people

The meeting came after one of Troop 50's leaders, Coast Guard commander Terrance Hart, wrote the White House. Mr. Hart served on Mr. Bush's drug interdiction task force in 1983.

The scouts and their families will be watching TV and news photos this weekend to see whether Mr. Bush keeps his word and wears that Georgetown T-shirt when he jogs.

The meeting came after one of Troop 50's leaders, Coast Guard commander Terrance Hart, wrote the White House. Mr. Hart served on Mr. Bush's drug interdiction task force in 1983.

The child's parents, Jean and Robert Heilman, say only that they are glad no one was hurt, and that they are happy with the police department's explanation of how the gun ended up in their daughter's hands.

Ms. Stoltz-Gurney, 48, is still recovering from a gunshot wound to the head. She has told police her ex-husband shot her on Feb. 15. In that attack, Ms. Stoltz-Gurney's married lover, Roger Whittmore, was killed and left on her back lawn.

Ms. Stoltz-Gurney lives on 11 Rock Pond Road. The Heilman store on and went said Mi right up

"The name mu picked ' stopped brother, Street, s

"The: Richa

Tomorrow: Nipping office sexual harassment in the bud

Ex-Salem Planning Board member charged

McMahon From page 1
 Thomas Noucher — another local businessman — was convicted of obstruction of justice for trying to peddle Mr. McMahon's planning board vote. He was also sentenced to four years in jail.

CONSPIRACY TO COMMIT EXTORTION, two counts.
USING A TELEPHONE to commit an interstate crime, nine counts.
PERJURY, three counts.

According to the indictments, Mr. McMahon used convicted extortionist William D. Hicks as middle man twice in 1985. Mr. McMahon allegedly told Mr. Hicks he was in a financial jam and needed money.

The charges repeatedly link Mr. McMahon with Mr. Hicks, who was convicted in 1987 of attempting to extort money from car dealer James Proko. Mr. Hicks, who called himself the "godfather" of Salem, got a four year jail sentence.

BRADFORD MOTOR CAR COMPANY

Mr. McMahon allegedly had

Mr. Hicks tell Mr. Proko he repre-

sented powerful people on the

planning board. He wanted \$5,000

to \$10,000 or would kill or delay a building plan he had before the board.

After Mr. Proko refused to pay extortion, Mr. McMahon tried to carry out his threat at a June 11, 1985 Planning Board meeting. He allegedly passed a note to fellow board member George Salisbury. Mr. McMahon denied that.

The site plan was eventually ap-

proved by planning board mem-

bers.

AVANTI AUTO SALES, Route 28, in Salem: Mr. McMahon and Mr. Hicks allegedly had a similar plan for Avanti Auto Sales President Michael T. Demers — this time asking for \$1,000 from Mr. Demers, who wanted to expand his car dealership.

CHANDLER'S SERVICE, INC.,

to \$10,000 or would kill or delay a building plan he had before the board.

After Mr. Proko refused to pay extortion, Mr. McMahon tried to carry out his threat at a June 11, 1985 Planning Board meeting. He allegedly passed a note to fellow board member George Salisbury. Mr. McMahon denied that.

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AVANTI AUTO SALES, Route 28,

in Salem: Mr. McMahon and Mr.

Mr. McMahon allegedly

proached a friend of the vic

Joseph R. Shaheen, and told him

Mr. Chandler did not arrang

"put some money in an envelo

he would either delay or kill

plans.

Back to School with a Boom.

Route 28: This time Mr. McMahon allegedly wanted \$2,500 from vid E. Chandler and Chand Service, Inc.

Mr. McMahon allegedly proached a friend of the victim Joseph R. Shaheen, and told him

Mr. Chandler did not arrang

"put some money in an envelo

he would either delay or kill

plans.

In fact, every student who gets a back-to-school cut at Hair Designs will receive a complementary 'Topps' Baseball Wax Pack while supplies last.

Plaza 114 Mall,
next to Super Shaw
South Union Street
Super Shaw's
Winthrop Avenue (Rt. 11A)

Thousands of Somalis seek refuge in Kenya

NAIROBI, Kenya (AP) — More

than 5,000 people fleeing government raids in southern Somalia have crossed into neighboring Kenya the last two weeks, according to a newspaper report.

The refugees started moving into Kenya July 31 after Somali troops killed 27 people in five days of raids near Doble, 12 miles east of Kenya's border. The Standard reported yesterday.

The daily said the refugees

The raids reportedly followed government charges that the Ab-same clan, the largest in southern Somalia, was expelling members of President Siad Barre's Marehan clan from the region, the newspaper said.

One of those fleeing the fighting, Ahmed Hussein Barre, told The Standard he was the former

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Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____

Finally people are seeing some progress, some said Christopher Zajac of Rochester, a member of the Polish labor movement Solidarity, fled Poland in 1982 about the time martial law was declared.

POLES



goodness most mosquitoes on this one appears to be an electron microscope, (File Photo)

are due in Manchester next at Deerfield and Wilton, and book.

Pages 34-37

1-10 to remain alive in the ion Baseball Tournament at Page 39

dn't rent to an unmarried ng-in-sin" ruling. Page 56

in the north and on the coast tomorrow with highs reaching 85 will be in the mid- to high Page 2

some progress, some hope."

— Christopher Zajac, Rochester

8/17/89 Union Leader

Loaded Police Gun Found Near Stoltz-Gurney Murder Scene

WINDHAM (AP) — A loaded police officer's gun found by a 5-year-old girl is the business only of the police and the girl's family, the police chief said, but town leaders said they want an explanation.

Erica Heilman found the gun near her house last week and, thinking it was a water gun, brought it home. Her mother, Jean Heilman, said she took the weapon away before any harm was done.

The Heilmans live near the home of shooting victim Miriam

Stoltz-Gurney, whose friend, Roger Whittemore, was found dead in her backyard Feb. 15. Stoltz-Gurney, 48, is recovering from a gunshot wound to the head and has accused her ex-husband, George Gurney, of attacking her and Whittemore.

Windham Police Chief Norman Crawford would not say whether any connection has been made between the gun and the crime. He said only that the gun belongs to a police officer and that the officer has been

GUN

Page 10

Former Salem Planner Indicted On Extortion, Perjury Charges

By DIANA W. BROWN

Union Leader Correspondent

SALEM — Former planning board member Charles T. McMahon was charged yesterday with trying to extort money from three Salem businesses by threatening to kill or block work before the Planning Board.

McMahon was indicted yesterday on 15 counts of extortion and perjury charges.

"I've never taken one red cent for anything that I voted for in my whole life," McMahon said

yesterday, denying "absolutely and unequivocally" the allegations.

Acting U.S. Attorney Peter Papps said in a prepared statement that the alleged actions were taken in 1985 when McMahon was on the Salem Planning Board.

A federal grand jury in Concord charged McMahon with five counts of conspiring or attempting to extort money from Honda Motor Cars of Salem.

SALEM

Page 6

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DAILY NUMBER

Aug. 17

682 9988

TODAY'S CHUCKLE

There's one good thing about children ... At least they never pull out photos of their grandparents.

A Little Prayer

We have been touched by You this day, Lord, in ways we do not know. Thank you for the countless blessings You are bestowing upon us in this time of prayer. Amen.

SALEM

(Continued from Page One)

Avanti Auto Sales, and Chandler's Service, Inc., known as The Toy Store.

McMahon is also charged with nine counts of promoting unlawful activity when he allegedly used a liaison in Salem to call from his job at the MIT Lincoln Laboratories in Lexington, Mass., attempting to extort money from the Honda dealership.

He is also accused of perjury while testifying as a witness to a federal grand jury during the investigation.

"I've done nothing improper," said McMahon, who served as a state representative, chairman of the Salem School Board, member of the Salem Board of Adjustment and executive assistant to former U.S. Sen. Thomas McIntyre.

"I've lived here for 30 years and you won't find anyone who says I threatened them," said McMahon of 7 Benning Road.

McMahon was a member of the board from 1983 until his resignation in 1986.

The continuing investigation by the FBI and U.S. Attorney's office has already brought down two in the payoff scheme.

William D. Hicks of Salem was sentenced to four years in 1987 after being found guilty of extorting \$5,000 to \$10,000 from James Proko, owner of the Honda dealership, to influence the town's planning board members in 1985. Thomas Noucher of Methuen, Mass., was convicted of obstructing justice and lying to FBI agents. He is now serving a four-year jail sentence.

Salem Planning Director Ross Moldoff said he was surprised to learn that the FBI indicted McMahon.

"I didn't find him suspicious in the least," he said.

Emil Corrente, a 15-year planning board member who served with McMahon at the time, said he doesn't have "any recollection of anything evil or wrongdoing."

But Corrente and Selectmen Chairman Howard Glynn said yesterday that they were not surprised by the indictments. "Everyone in town was expecting the shoe to fall, but at the time I had absolutely no inkling that this was going on," Corrente said.

ing the undercover investigation at the White Mountain National Forest rest area.

Outlawed Groups Plan Anti-Government Rallies

JOHANNESBURG, South Africa (AP) — Members of outlawed anti-apartheid groups said yesterday they would hold a series of rallies this weekend, the latest phase in a new campaign to defy government suppression of dissent.

In Cape Town, police halted a march led by Anglican Archbishop Desmond Tutu in support of the opposition campaign.

The police escorted Tutu and about 60 other people back to St. George's Cathedral about 30 minutes after they began marching through the city center protesting the arrests of former prisoners who were defying restrictions imposed on them.

Plans for the weekend rallies were announced at a news conference at the Central Methodist Church in downtown Johannesburg. Plainclothes police officers were present and confiscated a reporter's tape-recording of the announcement.

Spokesman: President Supports History-Making Polish Developments

KENNEBUNKPORT, Maine (AP) — President Bush's chief spokesman said yesterday that Bush supports Poland's move toward a "remarkable and history-making" non-communist government.

The vacationing President was keeping close tabs on Polish developments, said Presidential press secretary Marlin Fitzwater.

While the summer White House reacted cautiously to yesterday's reports of Polish President Wojciech Jaruzelski's approval of Solidarity Leader Lech Walesa's plan for a coalition government, officials privately were enthusiastic.

"Two years ago, no one in the United States would have predicted this could happen. Of course we're happy, extremely happy," said a senior administration official who spoke on the

Fitzwater said Bush and Walesa "talked about the political process and the prospects and about Lech Walesa's personal feelings about his role. . . . The President understands the various pressures that are on Mr. Walesa and he (Walesa) is very concerned about the new government, about Solidarity's ability to step in and take over the government."

Aides said Bush was told of the latest development — Jaruzelski's acceptance of Walesa's plan — when he returned from a morning boating and fishing trip on the first full day of a three-week vacation at his oceanside home.

"We're watching the situation. We continue to watch the situation. But there are still many unanswered questions," Fitzwater said.

"Certainly a non-communist



MARIA JOHNSON of Nashua left Poland in 1949, returned once, and now says she will

hua Boy Attacker

A (AP) — While he is kidnapping to a 10-year-old boy identified by as the man who had him into a rooming house point and sexually him.

arrested Gerald Hill, charged him with kidnapping and felonious sexual

ingster reported that he was released after a he and told a police about the incident.

Lt. Steven Closs said officers were talking with the boy, identified as the assailant.

Coast Guard Adds Control Boat To Fish Security

PSMOUTH — The Coast is expected to receive today of a new, 110-foot boat that will augment at President Bush's

Coast Guard announced the cutter, christened the cutter, also will be used in and rescue missions as law enforcement. It is the new cutter assigned to the Coast Guard District near the service and.

Island Class cutter was by Bollinger Machine Shop shipyard, Lockport, La. The is based on the 110-foot Thronycroft boats from Britain. Official commis-

g will take place in Sep-

re, according to the Coast

idium Levels in Deer, Moose Dangerously High

Former Salem Official Faces Up To 85 Years

McMahon Accused of Extortion, Perjury

By DIANA BROWN

Union Leader Correspondent

SALEM — Charles T. McMahon, the former planning board member accused of trying to solicit payoffs, faces a maximum of 85 years in jail and \$4.3 million in fines if convicted.

McMahon was indicted on 17 counts of extortion, perjury and unlawful telephone use last week.

U.S. Attorney Peter Papps yesterday said McMahon will be arraigned Aug. 30 at the federal court in Concord on charges that he attempted to extort money from Honda Motor Cars of Salem, Avanti Auto Sales, and Chandler's Service, Inc., known as The Toy Store.

McMahon denied the allegations last week.

McMahon was originally mentioned in the extortion case of William Hicks, who was later found guilty and sentenced to four years imprisonment in 1987.

Hicks was accused of trying to solicit \$5,000 to \$10,000 from James Proko, owner of Honda Motor Cars of Salem, by threatening to have his planning proposal delayed if he refused to pay. Proko rejected the threats and agreed to wear an FBI recording device to monitor discussions with Hicks.

Evidence presented at Hicks' hearing revealed that he spoke with McMahon on several occasions at his office in Lexington, Mass.

In the three cases involving Salem car dealerships, McMahon allegedly told Hicks that he was "in a difficult personal financial situation and needed money," and urged him to act as an intermediary to coerce kickbacks from the business owners, the indictments said.

Through Hicks, McMahon allegedly sought a \$1,000 payoff from Michael T. Demers of Avanti Auto Sales by threatening to block his expansion proposal, which went before the

McMahon will be arraigned Aug. 30 at the federal court in Concord.

board on Nov. 26, 1985. The board voted to approve the site, but McMahon abstained, meeting minutes said.

McMahon also urged Hicks to approach a friend of David E. Chandler of Chandler's Service to arrange to "put some money in an envelope" and make a \$2,500 payment if he wanted his site plan approved by the board, the indictment said.

Minutes of the Oct. 8, 1985, planning board meeting reveal that McMahon seconded the motion to approve the Chandler site plan.

In the Honda Motor Cars scheme, McMahon allegedly asked Hicks to approach Proko, convince him that he was acting on behalf of "powerful and influential people" on the planning board and extort a payment if he wanted his proposed site plan approved, the indictment said.

According to June 11 planning board minutes when Proko's proposal came before the board, "McMahon had some concerns as to the possibility of traffic problems in the area" and that the site was within 2,000 feet of another car dealership which violates a town ordinance.

After agreeing to a legal opinion from town counsel, McMahon motioned to approve the Proko site plan, and the board unanimously agreed.

McMahon was a well-known figure in town, sitting on the Salem school and adjustment boards. He also served as a state representative and executive assistant to former U.S. Sen. Thomas McIntyre.

Methane Suspected In Mass. Man's Death

HANOVER, Mass. (AP) — A Hanover man who died after climbing into a septic tank in his backyard last weekend may have been poisoned by invisible

phen Tucker. "Unfortunately, methane gas is colorless and odorless, and it can be very dangerous."

Odorless methane gas can



Up a Tree

The branches of a tree in Manchester's Victory Park like the ideal place to spend a sunny afternoon for a 5½, of Hollis.

(Staff Photo by I

Need for Rest Home Questioned by Council

By DONN TIBBETTS

State House Bureau Chief

CONCORD — The Executive Council last week put off approving a \$106,400 amendment to an Electronic Data Systems contract because it appeared that the state was going to pay \$3 million a year to compile data to determine where and how many nursing home beds will be needed in the state in the future.

Councilor Peter Spaulding of Hopkinton complained that \$3

tude of computerized services for the entire state.

"The request to inadvertently gave a bad impression the state of the 4-year contract was for the nursing home which the Legislature," explained Mong.

"Actually, the main \$3 million contract is for fiscal accountability of the Medicaid program in Hampshire. That is in enrolling of providers."

Ex-N.H. legislator pleads not guilty to attempted extortion

By Aaron Zittner
Special to the Globe

CONCORD, N.H. — A former Salem state legislator pleaded not guilty in US District Court yesterday to charges that he tried to extort money from businesses needing permits while he was a member of the Salem Planning Board. Charles T. McMahon, a former Planning Board member, a former US Sen. Thomas J. McIntyre, is free on personal recognizance.

"I have never accepted as much as one cent to vote on any issue in front of any board in the 20 years I've been in the public office," McMahon said. "I have never accepted as much as one cent to vote on any issue in front of any board in the 20 years I've been in public office. In the 20 years I've been in public

ward to that out, and I look for-ward to that opportunity ... and McMahon is the third person to

be charged in a five-year in-vestigation of the Salem Planni-

ng Board. Assistant US Attor-

ney David Vicinanza said the

probe may lead to more indict-

ments.

A 17-count indictment charges

that McMahon persuaded Salem

businessman William D. Hicks in

1985 to ask two auto dealers for

between \$1,000 and \$10,000 in

"I have never accepted as much as one cent to vote on any issue in front of any board in the 20 years I've been in the public office," McMahon said. "The American judicial system is the truth to come out, and I look for-ward to that opportunity ... and McMahon is the third person to

be charged in a five-year in-vestigation of the Salem Planni-

ng Board. Assistant US Attor-

ney David Vicinanza said the

probe may lead to more indict-

ments.

A 17-count indictment charges

that McMahon persuaded Salem

businessman William D. Hicks in

1985 to ask two auto dealers for

between \$1,000 and \$10,000 in

exchange for favorable treatment by the Planning Board. The entire indictment, which also charges him with lying to a grand jury and with using a grand jury and with lying to a grand jury and with using a telephone for illegal activity.

Yesterday, US Magistrate William Barry, Jr. said the trial will probably begin in December. Convicted already in the Salem investigation are Hicks, now serving a four-year sentence for attempted extortion, and Salem resident Thomas F. Noucher, accused of obstruction of justice, according to court records.

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9/3/89



lobe photos/Toby Talbot

N.H. firm to pay fine and restore wetlands

A New Hampshire company has agreed to pay a \$50,000 fine to settle a suit by the US Environmental Protection Agency charging that it illegally filled more than six acres of wetlands.

Construction Industries Inc. has also agreed to spend an estimated \$500,000 restoring and replacing the damaged wetlands. In exchange, the agency agreed to drop its suit.

"We would have sought a much larger fine had the company prolonged litigation," said Paul Keough, acting regional administrator of the EPA. "Because of the company's cooperation, we were able to concentrate on getting the wetlands restored and replaced quickly. Instead of spending public resources and time in prolonged litigation."

The government had alleged that the Salem-based contractor violated the Clean Water Act between 1977 and 1985 by filling in wetlands adjacent to the Spicket River without obtaining the necessary federal permits.

Company officials have maintained in court documents that they were unaware that permits were required. Construction Industries officials could not be reached for comment.

Keough said the key to the settlement was the company's agreement to restore or replace all the damaged territory. "There will be no net loss of wetlands. That was our most important goal."

Keough said much of the area is believed to be salvageable. Most of the wetlands will be restored by removing the illegal fill material. Under the agreement, the company will replace the wetlands that cannot be restored.

Wetlands serve as breeding grounds for fish and wildlife, and act as a buffer against floods and as natural pollution filters.

"Wetlands are a critical natural resource that is disappearing at an alarming rate, especially in areas under heavy developmental pressure such as southern New Hampshire," Keough said. "EPA will use its administrative, civil and criminal enforcement authorities to carry out the administration's policy of no net loss of wetlands."

Restoration of the wetlands actually began earlier this month, although agreement on the company's fine was not reached until Thursday, Keough said. He said there is no timetable for how long the work will take.

- ADRIAN WALKER

Planners approve several plans

SALEM — The planning board approved two retail buildings on Lowell Road, a restaurant on Main Street and an industrial building on Northwestern Drive at their meeting last Tuesday night.

They also told Keewaydin Properties Limited to pay up or else.

In a letter to Kent Locke of Keewaydin, Planning Director Ross Moldoff told Locke he was concerned about not receiving the impact fees Keewaydin had agreed to pay the town.

Keewaydin had agreed, as part of a subdivision approval, to pay \$100,000 towards Pelham Road improvements and \$17,000 for traffic signalization by August 11, 1989.

"The inability to resolve this mat-

ter, despite almost two years since the original approval and numerous letters from the Town, reflects poorly on your company and frustrates the Planning Board's desire to improve the Pelham Road corridor," wrote Moldoff in his letter.

Moldoff recommended to the planning board that no further site plans be approved on lots in the Keewaydin subdivision until the money was received by the town.

Locke, who appeared at Tuesday night's meeting, said the money was forthcoming.

"We approved a plan contingent upon you depositing the money by August 11," said planning board member Joseph Gagnon. "As far as I'm concerned, you are violating

your site plan approval."

"I am as frustrated as you are," Locke responded. "We are trying under a very difficult set of circumstances to do everything the town wants."

Planners reviewed the Data Electronics site plan for a 20,000 s.f. industrial building at 28 to 32 Northwestern Drive, in part of the Keewaydin subdivision.

They did not follow Moldoff's directions. Instead of withholding approval on the site plan, they approved it on the condition that no certificate of occupancy be issued for the building until Keewaydin has paid the \$117,000 owed to the town.

■ See PLANNERS Page 4

pénalty for drug dealers

Fremont Rep. William McCain, head of a subcommittee, sponsored the bills calling for the death penalty for drug kingpins and the tax on alcohol.

"I haven't given up on either of those, but I'm also not tilting at windmills," Mr. McCain said. "Let's not put something out that as a subcommittee is going to make us look silly, because frankly I don't believe the money is going to be there next year and the death penalty politically makes too many people nervous."

The subcommittee did vote to support

a bill that would mandate judges hand down heavier sentences against those convicted of selling drugs within 1,000 feet of a school.

It also chose to create a 17-member oversight committee of top legislators and bureaucrats to review the state's role in President George Bush's recently introduced \$7.9 billion anti-drug program.

The full committee is expected to go along with the subcommittee's findings when it meets today.

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al authorities hinted last week. Ask anyone around town hall and they will throw out at least two or three names that are rumored to be under the threat of federal indictments.

Guessing when and where the federal ax falls next might be the hottest game in town.

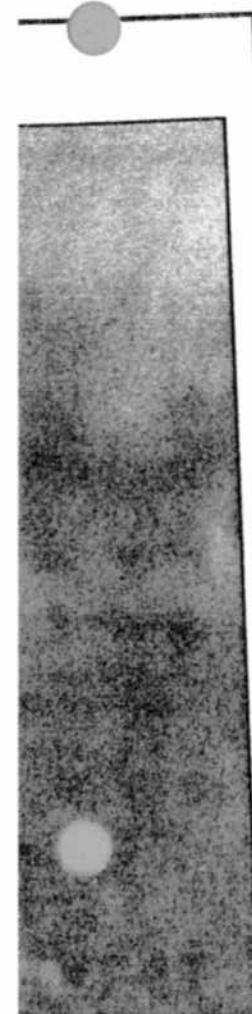
While not discussing the charges against Mr. McMahon, Mr. Moldoff said the growth in town in recent years helped it become ripe for temptation.

"Real estate is big money. We should be surprised that this hasn't happened before. You're not talking about Joe Blow subdividing a house for his kid," Mr. Moldoff said. "You're talking about multimillion dollar projects."

Still, he cannot understand why someone would think buying votes was needed.

"It's always been, if you bring in a good plan (with all the right permits), it will get approved in this town," he said. "You never needed to buy votes

Please see SALEM,
Next page, this section



Character citizenship

Officials may fall in FBI investigation

V probe isled

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Salem From Page 19

to get your plan approved."

Since 1985, six out of seven planning board members have left office. While that attrition stems from many reasons, the FBI investigation played a role, Mr. Moldoff said.

The planning board approved a code of ethics a couple of years ago, and while it was done for many reasons, he said the probe was also partly responsible.

Mr. Moldoff said 1985 was a

growth year in town, with 42 commercial plans — 23 for such businesses as car dealerships and shopping malls — coming before the planning board for approval.

In 1984, 27 major commercial projects were considered by the board. Like other towns in the area, businesses and houses were springing up everywhere in Salem in 1985.

The government alleges that Mr. McMahon tried to extort money from three local businessmen in 1985, telling them he controlled several planning board votes.

Pay off or your site plans may be delayed or killed by the board, Mr. McMahon allegedly told them.

Mr. McMahon last week pleaded innocent to 17 charges handed down Aug. 9 by a federal grand jury. The allegations are: Perjury, attempted extortion, using a telephone to commit an interstate crime and conspiracy to commit extortion.

The indictment repeatedly links Mr. McMahon with William D. Hicks, convicted two years ago for trying to extort \$5,000 to \$10,000 from James Proko, owner of Honda Motor Car Company on Route

28. It also alleges that he attempted to squeeze money out of Avanti Auto Sales (\$1,000) and Chandler's Service Inc. (\$2,500). Salem native Thomas Noucher, a convicted middle man, is now serving a four-year sentence in a federal prison. Last December, a jury found him guilty of obstruction of justice and lying to federal agents for trying to cover up his solicitation of bribes from Salem electrician Gary Bergeron allegedly on behalf of Mr. McMahon.

Mr. Noucher was not named in the Aug. 9 indictment against Mr. McMahon.

Many local players in Planning Board probe

Here are the some of the play-

ers involved in the ongoing federal

probe of the Salem Planning

Board: **GARY BERGERON**, Owner of

Lincoln Electric, and office

THOMAS NOUCHER, Nowell

Court in Salem. Owner of the for-

mer 400 Lincoln.

HONDA MOTOR CAR COMPAN

Donald P. Lewis, D.D.S.
Haverhill Dental
Associates, Inc.

Proudly Announces
the Association
of

D. D. Lewis

Two more officials may fa

Here is how probe has progressed

Here is a quick look at the dates and times:

Late 1984: Thomas Noucher starts visiting Gary Bergeron weekly, saying problems with the planning board over a site plan for his Main Street business can be fixed for \$1,000. Mr. Bergeron refuses. The plan is later approved. Mr. Noucher stops visits until late 1985, when he finds out a grand jury subpoenaed Mr. Bergeron.

May 28, 1985: William Hicks tries to shake down local car dealer James Proko in the morning. Planning board that night delays action on his site plan.

May 29 to June 11, 1985: Mr. Hicks continues shake down of Mr. Proko. F.B.I. tapes conversations between the two. Mr. Hicks and Mr. Proko meet June 5 at Denny's Restaurant on Route 28. Mr. Proko wears wire for F.B.I. to tape the conversation.

June 11, 1985: Mr. McMahon allegedly tries to delay approval of Mr. Proko's project after he refuses to payoff. It is eventually approved.

Oct. 1, 1985: Mr. Proko receives a grand jury subpoena. F.B.I. questions Mr. Hicks later in the month.

Feb. 12, 1986: Mr. Noucher and Mr. Bergeron meet at a Burger King in Methuen, Mass. Mr. Bergeron wears an FBI wire.

July 1987: Federal grand jury indicts Mr. Hicks.

Sept. 22, 1987: Mr. Hicks' trial begins. Eight days later he is found guilty of attempted extortion. In Nov. he is sentenced to four years in jail and must pay a \$10,000 fine. His appeal is denied in June, 1988.

August 1988: Grand jury indicts Mr. Noucher for obstruction of justice, lying to federal agents, interstate travel in aid of racketeering. He pleads innocent.

Sept. 19, 1988: Mr. Hicks begins four-year sentence in federal prison.

Nov. 5, 1988: Court records name Mr. McMahon as person with whom Mr. Noucher was working. Mr. McMahon denies it.

Dec. 8, 1988: Mr. Noucher found guilty on two charges, cleared on racketeering charge. He is fined \$100 and later sentenced to four years in federal prison.

Aug. 9, 1989: Federal grand jury indicts Mr. McMahon.

Aug. 30, 1989: Mr. McMahon pleads innocent to all charges in federal court.

Salem From Page 19

to get your plan approved."

Since 1985, six out of seven planning board members have left office. While that attrition stems from many reasons, the FBI investigation played a role, Mr. Moldoff said.

The planning board approved a code of ethics a couple of years ago, and while it was done for many reasons, he said the probe was also partly responsible.

Mr. Moldoff said 1985 was a

Many local Planning Bo

Here are the some of the players involved in the ongoing federal probe of the Salem Planning Board:

THOMAS NOUCHER, Nowell Court in Salem. Owner of the former 400 Lounge — a cafe on Ayers Road in Methuen, Mass. A well-known Salem native. Serving a four-year sentence in federal prison.

WILLIAM D. HICKS, Formerly owned Fitzgerald-Hicks Dodge dealership on Route 97. In past was involved in numerous court battles against Salem over use of land across from that business.

Summer ends, but more in store for fall at library

ATKINSON, N.H. — The Super Scoop Special Reading Club ended the summer reading program with an ice cream party at Kimball Public Library.

The Friends of the Library provided the cones and the prizes for participants.

children ages 5 through 8 will meet Wednesdays at 4 p.m. beginning Sept. 20.

Library cards for school children are available.

Beginning Oct. 21 there will be a

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Homelessness Problem Con

By DIANA BROWN

Sunday News Correspondent

SALEM — Homelessness is not a big city scourge any longer.

"When you think of the homeless and people living on the streets, you think of Boston and New York City, not Salem, New Hampshire," said Selectman Douglas Micklon, chairman of the town's newly-formed emergency/shared housing committee.

But Salem's homeless problem has doubled in the last two years.

Since Sept. 1988, 50 people have sought emergency housing in town, up from 24 people in

1987, according to Salem's Welfare Administrator Robert Loranger. Twenty-five households of individuals and families have looked for emergency housing in 1989, 10 more than those assisted in 1987.

More families headed by single mothers with children are seeking refuge in the town's motels. Single men are increasingly looking for assistance, Loranger said. Contrary to inner-city homeless problems where minority groups seem the hardest-hit, the majority in Salem tend to be white with low to moderate incomes, he said.

Many have been evicted from their Salem homes and are looking for shelter while they scout for new places in a costly market that often squeezes out people with lower salaries. Others tend to be transients who move from town-to-town, said Assistant Town Planner Charnan Bray, also the committee's secretary.

Salem's homeless problem surprised many longtime residents like Micklon. "I was shocked," said Micklon. "We're not a small town when things like this happen," he added.

Residents will also be astounded by the numbers, Micklon said. "They don't think about it or they try not to think about it," he said.

"Even though the homeless are not as visible in Salem, it's out there," said Bray, adding the committee hopes to collect more statistics in the coming months. "We don't know how big the problem is yet," she said.

"A lot of people will poo-poo the issue because there aren't a lot of people," said Father Steve Kucharski of St. Joseph Catholic Church in Salem. But the problem still persists, he said.

Kucharski placed 15 individuals and two families this year. Summer months were the busiest, he said, with about eight people who needed placement in motels during July and August. Based on that experience, "I don't know



SALEM

Since Sept. 1988, 50 people have sought emergency housing in town, up from 24 people in 1987, according to Administrator Robert Loranger. Twenty-five individuals and families have looked for emergency housing in 1989, 10 more than those assisted in 1987.

what fall or winter will be like," he said.

The emergency/shared housing committee, launched earlier this year, is an attempt to address the burgeoning problem for a town of nearly 30,000 people.

Setting up a temporary shelter is one of many issues committee members plan to discuss. Micklon suggested converting a town-owned building near the Department of Public Works, off Cliff Crossing Road, into the shelter.

But Bray questioned whether opening a temporary shelter might lure people outside of Salem — particularly out of Massachusetts — to use the facility by creating a need rather than addressing one.

Another potential problem that committee members ought to consider is that increasing property values may force motel owners to sell, uprooting the town's main resources for temporary shelter, Loranger said.

The committee, however, is making headway under the auspices of the Affordable Housing Task Force. An accessory apartment amendment was passed in March, allowing homeowners to set up apartments in their houses. Fourteen people have opted for the plan to date, Bray said.

An affordable housing ordinance was also passed, and the committee is now considering a shared living plan for elderly people to double-up in cooperative living arrangements, she added.

An incentive plan for developers to construct low-cost housing is another alternative, Bray said. And ordinances should also be re-examined for trailer home parks which now limit new construction. Salem has over 700 homes in nine parks scattered throughout town.

Loranger, who works on the frontlines of homelessness, said the needs are effectively being met in Salem. He praised residents for being responsive to the problem who often call the welfare office to alert officials of displaced people. "People won't tolerate homelessness. They don't want to see someone out on the street," Loranger said.

But as the number of people seeking emergency housing in Salem grows, the town faces challenges in finding affordable housing for them.

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IBM Workstation Delay Good News for Digital

BOSTON (UPI) — International Business Machines Inc., a latecomer to the small but exploding workstation market,

said Friday.

Although workstations represent only a tiny share of IBM's business, the delay could give a

tems Inc. and Hewlett-Packard Co.

IBM spokesman Do... Jan. 1989

blem Comes Home to Salem

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ks on the frontlines of needs are effectively praised residents for a problem who often call alert officials of displaced people to homelessness see a line out on the

But as the numbers increase, more people are being closed out by the town's high housing costs. "The problem with Salem is there is so little affordable housing for the poor that they have

given up hope for looking for housing here. Conditions are deplorable," Kucharski said. Most move up to Derry and Manchester, he added.

Micklon said tax increases may be needed to combat the problem, and he hopes the town's budget committee will consider solutions as it reconvenes over the next few months.

But Kucharski warns that Salem residents — particularly those fleeing from Massachusetts' high tax rates — may be reluctant to expend more money to cure the problem. "If they're trying to escape taxes in Massachusetts, they're really not going to want to support the poor in New Hampshire. That's what they're trying to get away from," he said.

Whichever variety of apples is your favorite, a new crop of crisp and delicious New Hampshire apples are ready and waiting for you...NOW!

Whether you want to Pick A Peck of Pick-Your-Owns or Purchase a Peck of Pre-Picked Pick-Your-Owns, visit a local apple orchard by mid-September for some of New Hampshire's freshest, highest quality natural resources.

PICK A PECK OF PICK-YOUR-OWNS!

McINTOSH
RED DELICIOUS
CORTLAND
EMPIRE
MACOUN
GOLDEN DELICIOUS



NEW HAMPSHIRE APPLES...A BETTER BUY.
Brought to you by the Apple Growers of New Hampshire

his conference as one concerned with "the next week's issue.

Kudos for planners, too

Since we have been critical here from time to time of the planning process in New Hampshire in general, and in Salem specifically, it is nice to have reason to sing a different tune.

Planning Director Ross Moldoff, presumably with the backing of the Planning Board to which he reports, has taken the initiative in a dangerous local situation which falls quite squarely into the province of any local planning structure. We have in mind the traffic problem which has cropped up, like a mushroom, along a straight stretch of North Broadway, not far south of Main Street.

A motorist has been killed there this month, as you may know, and the cost of property damage through fender-benders there is rapidly rising.

The problem has arisen at a point where one intersection has, over the period of a very few years, become four. One of Rockingham Park's exits gives onto Broadway on the west side just across from where a popular restaurant, a bank and the federal post office give onto it on the opposite side.

The Federal Postal Service, in fact, is the

owner of an adjoining commercial site which could be developed, adding yet another intersection at this busy place.

What is to be done about it?

Well, that's what the word "planning" means, is it not? And there is no aspect of our local government any better positioned to deal with such matters as traffic and congestion as the Planning Board and its professional staff.

Aesthetic questions — what the facades of buildings should look like — is one thing. Matters of life and death are something else. Moldoff has taken the first steps in the matter. He has a proposal from Vanasse Hangen Brustlin, Inc. (a firm of consulting engineers which specializes in traffic matters) to study the situation and to analyze how much a traffic signal might help. It will cost \$9,000. The Board of Selectmen signed the contract for it Monday night. The Postal System will be sent the bill.

It is not likely, of course, the matter will end there. It is not that simple. But at least a start has been made, and the right body did it. More about this as time goes on.

RN

allowance will be \$150, a 6.7% increase over the previous contract. Both the town and the union continue to negotiate about beginning an earned time program. If, after discussions, an agreement is not reached on this issue by April 1, 1990, the pay raise for April 1, 1990 may be renegotiated.

Police union contract

The third and final article on the Special Town Meeting warrant requests appropriations of \$99,378 to fund the wage increases for the 51 members of the Salem police union. Unlike the two previous contracts, this is a one-year contract for the police, and the last one of the three to be settled.

Union members are seeking a

Salary levels under contract are as follows:

Master Patrol Officer	\$24,100
Master Patrol Sergeant	\$26,250
Master Patrol Officer	\$24,100
Master Patrol Sergeant	\$29,500
Master Patrol Officer	\$29,820
Master Patrol Sergeant	\$30,800
Master Patrol Sergeant	\$31,710
Master Patrol Sergeant	\$33,280
Police union members	\$33,600
Police union members	\$33,280
Police union members	\$33,280

base annual rate start at \$29,500; Two year

Salem Recycling Center

The Salem Recycling Center plans are moving on schedule and according to George Sealy, superintendent of Public Works, work will be completed so that a tentative opening date of mid-late September can be met.

As everyone is aware, recycling in Salem is a voluntary process. Since we do not have town-wide pick-up, anyone wishing to participate will be requested to obtain a resident landfill sticker purchased at Town Hall and to bring their recyclables to the transfer station themselves.

Recycling of metal goods is already

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EDITORIALS

A turn for the better

There is — at long last — light at the end of the tunnel.

Selectmen were told Monday night the preliminary steps in the choice of a permanent Town Manager are nearly complete. A long list of applicants has been whittled down. The Board itself will talk in two weeks with the four candidates who have emerged as the best possibilities and, hopefully, will make their choice.

The names of those finalists is to be made public by the end of this week.

One thing remains to be done: the four finalists will be evaluated and measured for "leadership" potential by a professional firm in Boston before the Board's own interviews Tuesday, Oct. 17. That testing process will provide one more set of figures by which to judge.

The selection process, always difficult when so much is at stake, has been further complicated by the fact the town's own personnel director left the public for the private sector in midstream. He is not to be faulted. The juncture came at just the wrong time for reasons which have nothing to do with Salem's essential dilemma. And the school district's personnel director, Owen Conway has stepped in to do a particularly good job.

All things considered, Salem has good reason to hope that before Thanksgiving comes we will, as a town, have a sound basis on which to give thanks.

The gravity of Salem's circumstance — the absence of long-term leadership — should not be seen as a failure on the part of Acting Town Manager Donald Bliss.

He has performed well: witness the manner in which the selection process has been handled, and the dispatch with which he has approached the matter of traffic safety on South Broadway in front of the post office.

Acting Manager Bliss told the Board Monday night agreement has been reached on funding for a professional study of the problem, the federal postal service having agreed to come up

with \$5,000 and other property owners in the area having agreed to match the town's own \$1,000 share of the cost.

So the minor things are being done and the town is not yet falling apart.

The Town Manager form of government, however, is not a makeshift business, and it can prosper only when there is the kind of continuity which has not been possible for too long a time.

The Board of Selectmen's regularly scheduled meeting Monday night was, in itself, a demonstration of the dimness inside the tunnel at the end of which we are finally beginning to see light.

There was a long agenda, most of the items on it quite properly coming in the category of "Manager's Reports."

The Board's own contribution to the meeting, however, was limited almost entirely to the pursuit of trivia: a frustrating debate over whether or not individual selectmen should be allowed more than one scheduled topic of discussion before the meeting as a whole is opened up as a free for all.

All the paralyzing elements with which the town's elected administrative body has been crippled in recent years showed up: lone rangerism, populism, rhetorical diarrhea and ambition.

The choice of a permanent Town Manager during the coming weeks will not, in itself of course, insure a return to good government.

The makeup of the Board itself needs responsible reconsideration, and that means you, as a voter. It is a responsibility we share as Salem citizens during the next few months, with two openings on the Board coming up next March.

The choice of a permanent Town Manager, at long last, is a necessary first step, and that now seems possible.

A return to the mature and responsible setting of public policy next March, as opposed to the pursuit of trivia, will complete the job.

RN

10/16/89

Just want to put all of this behind us and be able to go on to more important things."

A spokesman for Mr. Shannon, Chris Villa, said the sewage plant can end the two-month-old lawsuit Oct. 25 by ratifying an agreement, called a consent order, hammered out by the state and the sewage plant's lawyers.

"It's all up to them now," she said.

Mr. Shannon sued the Charles Street plant in August, saying it had violated state environmental laws some 1,400

NORTH ANDOVER — The head of the Greater Lawrence Sanitary District said he is ready to put a summer of legal troubles behind him.

Donald George will recommend that the sewage plant's board of directors adopt a contract to end officially a \$35 million lawsuit by state Attorney General James M. Shannon.

"I don't think we have any alternatives left. It's a good agreement," Mr. George said.

The plant's board of directors voted later that month to settle the suit, but the lawyers for both sides have been finetuning the details of the settlement since then.

The negotiating sessions ended last week with a seven-hour marathon in Boston, Mr. George said.

The contents of the agreement will remain secret until it is ratified, but Mr. George said they key points include: A **TWO-YEAR DEADLINE** for the construction of new equipment and renova-

Recycling plan designed to save Groveland money

GROVELAND — Members of the Waste Study Committee are expected to recommend a town-wide recycling and composting program at tonight's selectmen's meeting.

The campaign will be designed to reduce the rising costs to dispose of the town's 2,600 tons of waste each year estimated at \$100 a ton. Disposal costs nearly doubled in 1987, according to the report.

Since paper products comprise the bulk of the town's refuse, recycling and composting should make a significant impact on the total disposal costs, the report said.

The discussion will begin following a Special Town Meeting scheduled at 7:30 p.m.

State may follow Salem's lead in charging developers' fees

SALEM, N.H. — State legislators

are considering a law that would allow communities to charge private developers for the effects of their projects.

For more than a year, Salem has used an innovative program where developers pay for improving some roads.

Right now, developers pay for work along Pelham Road near Exit 2 of Interstate 93.

"The planning board's major concern is we need the road improvements," Salem Planning Director Ross Moldoff said. "We can't keep doing nothing. We've got to make improvements."

If it were not for the private money, the town would have to stop development in some areas until it could afford the road work, he said. Some of the fees are paid in cash; other times, developers do the improvements themselves. Examples are:

TWO OFFICE BUILDINGS at the corner of Pelham and Stiles Roads. Developer Bart Quirinale is paying \$38,000 in cash, giving Salem land along Pelham Road and widening a small stretch of Stiles Road.

THE K-MART PLAZA expansion. Demoulias did \$120,000 worth of improvements right

away so a supermarket could be added. The town probably would have saved that money until doing a major road project there in the future.

Mr. Moldoff said the program benefits Salem, which gets improvements, and developers, because it allows them to build. Salem has gotten \$150,000 and has \$450,000 in commitments. Along Pelham Road, the town pays 30 percent of improvements, while developers pay 70 percent.

Officials are considering starting road fees for developers for North Broadway and Salem Depot, he said.

ane Maddox, N.H. Savings Bank; Joyce Maria, Fish & Maria Design Associates, Inc.

vited to participate. Those interested can call the Salem

Salem

Salem will soon pick its 1989 **Christmas Queen** in a pageant sponsored by the

Salem is set to pick its 1989 Christmas Queen

the Region

4 Salem Housing Projects Face Residents' Scrutiny

They Fall Under Affordable Housing Ordinance

By DIANA BROWN
Union Leader Correspondent

SALEM — In the first wave of development under Salem's recently approved affordable housing ordinance, four moderate-income projects needing town approval are likely to undergo scrutiny by residents who fear increased traffic and decreased property values as a result.

But Assistant Town Planner Charnan Bray welcomes the four developments, ranging from garden style homes to detached single-family complexes. "It has to start locally for affordable housing," said Bray, who also serves on the affordable housing task force.

The proposed 60 units fall under the town's affordable housing ordinance — the first in the state — which calls for 90 new moderate-income homes to be developed.

"It essentially grows land" in development terms, Bray said, because builders are permitted to increase the number of units on the same lot.

The four proposed developments include a 17-23 single-family home subdivision, called Tara Homes, on Cluff Road; a 24-unit garden style complex, built into four buildings, on Pleasant Street; a 15-unit manufactured home community on Millville Street; and a 38-42 detached single-family home project on Wheeler Avenue in south Salem.

Some of these units will be sold at regular market value while others will be subsidized by contributions made by deve-

lopers to a trust fund, Bray said.

Responding to criticisms that the plans' "moderate income" label could bring down surrounding property values and the town's aesthetic quality, Bray said, "These projects will not look any different than others in Salem."

Qualifying tenants must come under federal Housing and Urban Development (HUD) income guidelines, but the priority will be given to Salem residents, town employees and family

members who could not afford to live in town, she said.

Families with two children, living under a \$33,800 annual income, up to families with six children, living under a \$49,000 annual income, could be eligible for the moderate-income program in Salem, based on current HUD restrictions.

The projects need approval from the town's planning board and housing authority before construction could begin next spring, Bray said.

Amherst Proposes \$32 Tax Rate, Up 9.7 Percent

AMHERST — The town has proposed a property tax rate of \$32.26 per \$1,000 of assessed valuation.

That tax rate proposal will be sent to the state Department of Revenue Administration which will set the final tax rate.

The proposed 1989 tax rate represents a 9.7 percent increase over the 1988 tax rate of \$29.40 per \$1,000 of assessed valuation.

The town portion of the county tax rate is projected to drop to \$5.47 per \$1,000, a decrease of 17.7 percent.

Town Administrator Barbara Landry said the projected decrease in the town portion of the property tax rates is due to a surplus at the end of the 1988-1989 fiscal year.

The surplus was due to revenues surpassing expectations, Landry said.

Unanticipated sources of income for the town included \$300,000 from current use change taxes, \$69,000 from the sale of town property and \$60,000 from interest charged to late tax bills.

Landry said the surplus has offset the town portion of the proposed tax rate by about \$1.20 per \$1,000.

The county portion of the proposed tax rate is \$2.60 per \$1,000 of assessed valuation, up 8.8 percent from the 1988 rate of \$1.72 per \$1,000.

The increase in the county portion is due in part to a refund granted to the towns in 1988 for an overpayment the previous year.

The school portion of the proposed tax rate is \$24.19 per \$1,000 assessed valuation, a projected 15 percent increase from the 1988 tax rate of \$29.40.

Planning in Salem: The 1990s

Ross A. Moldoff, Planning Director

As we approach the end of this year and the start of a new decade, it seems appropriate to look at where we are and where we are going. Here are my thoughts on the major planning problems facing Salem and some ideas on solving them:

Traffic Congestion—Try driving through the Depot on Saturday morning, coming off Exit 1 around 5:30 p.m. in the afternoon, or driving through the Route 11/Route 28 intersection at rush hour. It's a major league traffic congestion! The roads and intersections simply weren't built to carry the tremendous number of cars wanting to use them.

We need a yearly appropriation for intersection improvements, consistent with the Town-wide Traffic Study. We must also continue to require impact fees from private developers for their share of traffic improvements.

Loss of Open Space—The attractive scenery that brought many people to Salem is fast disappearing. Farms, fields, and wood lots are being bulldozed for shopping centers and subdivisions. In 1962, close to 80 percent of Salem's land area was open land on wood lots. In 1982, less than 40 percent was so classified.

We need to change our current regulations (which mandate the loss of open space) and create incentives for land preservation.

Bad Roads—When is the last time you drove up Millville St. or School St. or around Meissner Dr.? Or Old Rockingham Rd., Cross St., Town Farm Rd., or Shannon Rd.? The cracks and rutts make for a rough ride. Some of these streets are literally falling apart! Of Salem's 150 miles of roadway, over 50 percent need substantial repair or preventative maintenance.

We need a yearly appropriation for local road improvements, consistent with the Road Management Plan developed by the Engineering Department.

Residential-Commercial Conflicts—In the last few years, we have seen major conflicts between homeowners and neighboring businesses over traffic, noise, and other disturbances. This is the inevitable result of growth, as both residential and commercial developments begin to encroach on each other. The best example is Canobie Lake Park and its abutters. Other residents on Bailey Rd., South Policy St., Fairmont Rd., and Beverly Ave. are battling the impacts of commercial encroachment.

We must update our zoning map and regulations to prevent such conflicts.

Long-Range Water Supply—We rely on Canobie Lake for the bulk of our municipal water supply, about 1.8 million gallons per day. By the year 2000, we will need 3-5 million gallons per day, and the water from Canobie will need further treatment to meet federal standards. We need more water!

We must support plans to expand our water supply, consistent with the Water Supply Options Study completed in 1986.

Sewer Extension Programs—Town Meeting voters have rejected two town-wide sewer plans and some minor extension proposals. But, the

need to bring sewers to several areas in Town has not disappeared. Inadequate septic systems continue to pollute our lakes and threaten our quality of life.

We need a yearly appropriation for sewer line extensions, consistent with the 1985 report of the Sewer Study Committee.

Flooding and Drainage—Remember when Route 28 had to be closed to through traffic due to flooding? Remember when Haigh Ave. had 20 inches of water in the middle? How soon we forget! Other minor flooding and drainage problems exist throughout the community.

We need a yearly appropriation for drainage improvements, consistent with the Town-wide Drainage Study.

Zoning Enforcement—The tremendous growth in houses and businesses in recent years brought a corresponding increase in zoning violations and complaints. Yet the manpower to investigate and resolve them was less than we had in 1980! Problems include illegal apartments and business, junk cars, expansion of non-conforming uses, filling in wetlands, unapproved signs, building and occupying structures without permits, and a host of other violations.

We need to expand enforcement staff and support tough action against zoning violators.

Citizen Participation—All too often, the only audience at Planning Board meetings and public hearings are developers and engineers. Most people, even those who live next to a project, don't come to the meetings or care about the issues until they see the bulldozers! It is always useful to have neighbors, pro or con, participate in the discussions about a project. They know the area and live with any current or future problems. Also, the process of planning for the Town's future is fruitless if citizens don't participate and support the plans.

We should use newsletters, mailings, special meetings, presentations, and other means to inform the public and encourage their participation in the planning process.

Long-Range Planning—According to State law, our Planning Board is supposed to recommend how the Town should grow and develop, so as to protect the health, safety, and the general welfare of residents. Unfortunately, the Board is usually so swamped with development plans that little if any time can be spent on long-range planning.

We must update the Master Plan, prepare and fund a Capital Improvements Plan, and revise the format of meetings to make long-range planning a priority.

Most of the solutions to these problems are known—the studies and reports are already done. Now, we need the fortitude to follow through, to fund the improvements, adopt the amendments, and make the changes necessary to improve our community.

We made tremendous progress in the 1980s on many planning issues: wetlands protection, landscaping along Route 28, affordable housing impact fees, privately-funded road improvements, major studies on water supply, traffic, drainage, sewer and water quality, capital improvements plans, an update of the 1972 Master Plan, and more. We need to continue this progress in the 1990s and commit ourselves to solving the Town's planning problems.

As with liberty, the price of good planning is eternal vigilance. The 1990s, even more than the 1980s, will require such vigilance from people who care about Salem and its future.

Valley

Salem planner goes to trial next week

By Jim Van Anglen
Eagle-Tribune Writer

CONCORD, N.H. — Former Salem Planning Board member Charles McMahon, charged with trying to shake down three local car dealers, goes on trial next week.

Authorities allege Mr. McMahon put his Salem Planning Board vote out to hire in 1985, using a middle man to extort money from car dealers. His trial starts Dec. 5 in U.S. District Court in Concord,

N.H. Mr. McMahon said this week he might ask for the trial to be continued, claiming prosecutors only recently revealed their case against him.

Assistant U.S. Attorney David Vicinanza, who is handling the case, has refused to return calls to the Lawrence Eagle-Tribune.

In August, a federal grand jury indicted Mr. McMahon for:

ATTEMPTED EXTORTION, CONSPIRACY TO COMMIT EXTORTION, three counts.

Planning Board.

Indictments allege that Mr. McMahon used convicted extortionist William D. Hicks as middle man twice in 1985. Mr. McMahon allegedly told Mr. Hicks he needed money and was in a financial jam.

The charges repeatedly link Mr. McMahon with Mr. Hicks, who was convicted in 1987 of attempting to extort money from Mr. Proko. Mr. Hicks was sentenced to four years in jail and scheduled for parole in January 1990.

TORTION, two counts.

USING A TELEPHONE to commit an interstate crime, nine counts.

PERJURY, three counts.

Federal authorities have charged Mr. McMahon tried to extort \$5,000 from Honda Motor Car owner James Proko, \$1,900 from Avanti Auto Sales' Michael T. DeHmers and \$2,500 from Chandler Service's David E. Chandler.

They allege Mr. McMahon told the three that he could delay or kill plans they had before the Salem

traffic from the southbound 102, Mr. Stickney said, because overburdened exit will also be route 102 — the major road off town. The project should take 18 months to complete, he said.

recycling grant
a \$10,000 state grant for its

money to get the grant. Residents went to 59 towns. "It is a high priority in my administration's program is an excellent recycling technologies,"

Granting grants include:

DISTRICT: \$10,000 (The area Hampton and Sandown.)

seals process decision.

decorated homes
of mistletoe and holly and the

A victory for the children

Congress responds to a need



scribed fighter, refused to accept what the government was telling her. Today, the bill is on the verge of becoming law. All it requires is President Bush's signature.

But don't call Mrs. Mulligan a hero and expect her to rest on her laurels now that a victory is imminent.

By Andrew P. McCloy
Eagle-Tribune Writer

METHUEN — For Kathleen Mulligan, the fight for "the children" will never end.

"The children" are the hundreds of thousands of severely handicapped youngsters across the country.

Last week, Congress passed a bill that will allow Mrs. Mulligan and her husband, Kenneth, to receive federal assistance while caring for their severely handicapped daughter at home.



Salem planner says he is innocent of all extortion charges

SALEM, N.H. — Charles T. McMahon claims federal authorities are on a witch hunt in Salem, N.H., and believe they must nail somebody after having spent five years looking for political corruption on the planning board.

The government has decided that he is the fall guy, building a case based upon circumstantial evidence and conjecture, Mr. McMahon said.

"I am innocent, totally innocent, as the actions in court will prove," he said.

Mr. McMahon claims he was framed by convicted extortionist William Hicks — who he has known for several years — and prosecutors have no evidence against him.

Federal authorities allege that Mr. McMahon tried to shake down three local car dealers and then lied about it to a federal grand jury. His trial on extortion and other charges is set for Dec. 5 in U.S.

District Court in Concord. Assistant U.S. attorney David Vicinanzo could not be reached for comment.

"There is absolutely no evidence against me," Mr. McMahon said. "I have done nothing wrong." He said his defense will be based upon minutes of meetings and other facts.

This week, Mr. McMahon had this to say about the allegations against him:

McMahon HANGS UP ON MR. HICKS. Mr. McMahon said Mr. Hicks asked him to meet with car dealer James Proko. Mr. McMahon said he told Mr. Hicks that would not be right and hung upon him. He said Mr. Hicks never mentioned his name to Mr. Proko, only that he knew influential and powerful people on the planning board.

NO MYSTERY PHONE CALLS. Mr. McMahon said he never received some of the telephone calls authorities allege took place between he and Mr. Hicks. He said he was not even at work at Lincoln Laboratories in Lexington when the conversations allegedly took place.

Mr. McMahon said the government did not tape any conversations and only has records of when and where calls were placed. Taped telephone conversations might prove he did nothing wrong, and the government case is full of holes, he added.

NEVER USED MR. HICKS AS MIDDLE MAN. Mr. McMahon said he never sent Mr. Hicks to extort money from anybody, and he has been a reputable public servant for more than 20 years.

MR. HICKS MAY HAVE CUT DEAL. It is possible Mr. Hicks might have cut a deal with federal authorities to get paroled from jail, in return for testifying against him, Mr. McMahon said.

Mr. Hicks was convicted in 1987, sentenced to four years in jail, and is scheduled for parole in January. Mr. McMahon said he will call Mr. Hicks to testify at his trial.

Mr. McMahon said boards must follow strict laws and rules when it comes to approving or denying plans.

NO MONEY PROBLEMS. Indictments against Mr. McMahon charge he had financial troubles when he allegedly tried to extort money. Mr. McMahon said he pays bills on time, owns credit cards, has a good credit rating and paid the mortgage on his house.

NO AUTHORITIES HAVE HARRASSED AND INTIMIDATED HIM. For several years, federal agents have followed, harassed and intimidated him, Mr. McMahon said.

NO BOARD INFLUENCE. Even if a planning board member had the influence over another member, he could not use it, Mr. McMahon said.

IN-41. *over* Lookaround

Reception for new manager set for Dec. 18

RESIDENTS WILL HAVE an opportunity to meet their new town manager, Barry Brattin, at a town meeting on May 10 at 7:30 p.m. in the town hall. Brattin, who has been the town manager for the past two years, will be available to answer questions and discuss town business.

Residents who plan to complain about government should at least meet the person they will later accuse.

Let's hope many residents will attend — not just the state and local politicians who will make their obligatory appearance.

The town manager plays a major role in developing the budget and deciding what town services. William McCabe, a partner with New England Development which will build the 155-store mall, should move to Woburn. Maybe.

Salem



Salem

Jim
Van Anglen

of dollars in off-site improvements...

air, this is not some ranch-style, three-bedroom house that we're talking about.

do — take its time and really look at the project. Despite pressure from the developer and those opposed to the mall, board members stood their ground ...

And the planning department — especially Planning Director Ross Moldoff — really busted its collective tail. An \$80 million project means a lot of auditorium. It will feature seasonal and specialty music by the chorus, stage band, and concert band. The annual event will start at 7 p.m. The public is invited.

town. He is here enough to be a resident.

But you have to give credit to Mr. McCabe, the Salem Planning Board, and town planning department.

Mr. McCabe, smooth and affable, did a great selling job and did give the town millions

MEGA-MALL, MEGA-MALL:

William McCabe, a partner at Boudin, Salem has been eggs-nalled to death. Maybe

th New England Development which will build the 155-acre mall, should move to

331

will attend — not just the state and local politicians who will make their obligatory appear-

The town manager plays a major role in developing the budget and ~~deciding~~ what to do.

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BUSINESS

Impact fees are building as a hot issue

Developers decry proposed charges; state, communities mull idea

By Ted Hurley
Special to the Globe

DOVER — During the next few months, state law makers will face the same old dilemma: a move that would enable communities to charge fees for the impact new development has on community services.

In a few weeks, Dover city officials will probably vote on whether to impose a schedule of impact fees to help pay for new capital facilities. If the community service fees charged in Concord, N.H., are any sign of what's to come, the concept of impact fees is being debated. While

theory, most authorities endorse the idea as a way to cope with the cost of growth and in some cases already have implemented a fee schedule.

Builders say they already are being charged for community improvements in one fashion or another, and many fear that impact fees will be added to the fees they already pay.

"There are many builders in this state who have been charged with certain fees," said Mark Laliberte, a former chairman of the New Hampshire Home Builders Association. "I pay them and you pay them. 'You pay me and you go on about business.'"

"We've had fees that have been called impact fees and we've had fees that have been called something else," said Jim McElvane, a partner in Century Development, with offices in Somersworth, Dover and Rochester.

"It's a condition of approval," Concord builder Don Simpson said.

Impact fees are building as a hot issue



Harry Perfect outside a Dover development

development. The money was not earmarked for specific improvements.

In Somersworth, the firm was charged \$1,500 per bedroom for a bedroom extension. In that case, Forbes said, the city did not want to build a larger extension, and with the city never he was able to build more houses on the property than he would have been able to construct with septic systems.

"It was a trade-off. We simply paid the city the money we would have paid for septic," he said. Owners of existing homes, however, paid only \$1,500 per bedroom. "What's the difference?" Forbes said. "The general idea is you can rip off developers a little bit, but people are people."

While builders say they do not object to improvements required when the effect of development is apparent, many resist the idea of an impact fee schedule. They also object to the seemingly arbitrary way they say fees now are assessed in some communities.

"The Home Builders Association has been consistently against impact fees," said Beth Fischer, a Durham building and spokeswoman for the association, said.

Fischer said the fees will probably have an adverse effect on the cost of housing as the market for existing homes increases to reflect the prices of new homes.

"Why don't builders fight the fees they feel are unfair?"

Because "a permit is hard to worth three years in court," Simpson said.

Most builders weigh the cost of improvement fees against the cost of approvals and expensive court fights and go ahead with the project, he said.

"It takes years to go to court. There is so much reparation, most

By Ted Hurley
Special to the Globe

Dover's fee schedule faces another test

DOVER — Residents will have another chance Tuesday to review the city's plan to implement an impact fee schedule during a public workshop at City Hall.

Although state lawmakers have yet to pass legislation authorizing cities and towns to charge impact fees, Dover city officials believe that the state legislature is not necessary. Communities already have the authority to enact such fees, they say.

"Even if it's not enacted, there will be impact fees in New Hampshire," said William Collins, the city planner. "The question is: Who will set the parameters: the Legislature or the court?"

Dover's plan — the Capital Facilities Fair Share Ordinance — was developed during the summer by the city's planning department and was revised after the last public hearings in September, Collins said. At that time, the planning board invited those interested in the plan to offer suggestions for changes or alternatives to the fee structure. Although the proposal has not changed much, some revisions in the way the impact fee would deal with remodeling have been made, Collins said.

"Impact fees are not charged unless the new use requires new capital facilities," he said. For example, the conversion of a retail building to apartments could trigger school impact fees.

The measure calls for four categories of impact fees, Collins said. Fees vary depending on the location. Added up they could be as much as \$2,600 for a single-family detached home or as little as \$600 for a single-family condominium, he said.

A fee for an elementary school would be charged for residential construction only, with a single-family home charged \$1,400, a condominium \$65 per unit, mobile homes \$65 and apartments \$60. Fees for roads and intersections would be charged for all construction. Fees for a new fire station would be charged for both residential and commercial development in the north part of the city only, the area where the fire station is planned.

If the proposed capital facilities are not built within six years, the assessment would be returned to the current property owner.

"There is a concern that impact fees will still decline economic growth," he said. "There are hundreds of points that have been brought up, but the concern over economic growth is the one that grows in most consideration" about the ordinance.

"It's something that's very worthy of the debate it's getting," he said. "The cost cannot continue to be paid entirely by property owners."

THE BOSTON GLOBE • SUNDAY, DECEMBER 17, 1989

THE RECORD

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Volume V Issue 14

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16 Pages

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Volume V Issue 14

Story of the 80's: Rockingham Park

BY PAUL McCARTHY
RECORD STAFF WRITER

While mulling over the myriad of possibilities for the "Story of the Decade," in southern New Hampshire, there was one story that just didn't stop unravelling - and still won't - the acreage at Rockingham Park.

The Grandstand of New England's Oldest Thoroughbred Racetrack burned down in perhaps the CENTURY'S most dramatic fire (on July 28, 1980) to start off the decade.

Then the vacated property underwent a couple years of grandiose schemes during the early 80's, ranging from proposals to make it the "new" home of the Boston Bruins to a possible site for a Las Vegas-based firm's casino eventually rebuilt as a horse racing facility.

The decade ended by having a

\$100 million, 155-store "Meg-

mall" being approved on 85 acres

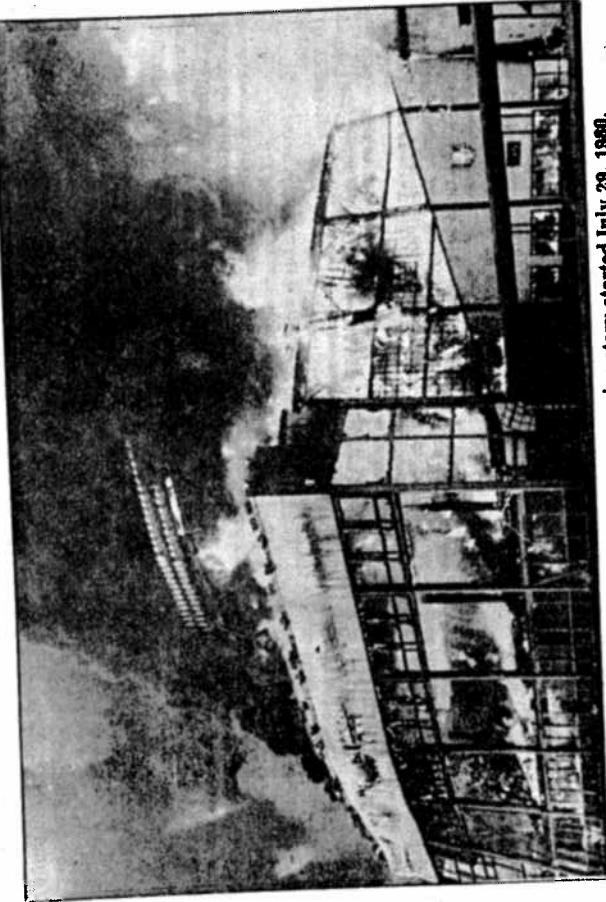
adjacent to the clubhouse.

For a 247-acre tract of land, there was certainly enough controversy. And, having covered EVERY aspect of its development, from being the first reporter on the fire scene in 1980 (I abut the property) to attending the planning board approval of the megamall in 1988, it's only fitting I put the "park" into historical perspective. Rockingham Park's motto is "Where It All Began," so to begin, this article will start with where it all began - and then examine what transpired in the 1980's to the property. You'll note the acreage was always in transition, so in retrospect, what happened during the 1980's should not have been as surprising as it turned out.

ORIGINS

In 1905, Rockingham Park was actually two farms (owned by Charles Kimball & Isaac Woodbury). Those properties were purchased by New York millionaires

Continued on page 7



SPECTACULAR FIRE - The decade's longest running story started July 29, 1980.

Story of the 80's: Rockingham Park

John "Bet a Million" Gates, Augustmont II and John A. Drake were looking for an alternative to Saratoga for horse racing.

After investing \$1 million to improve the property (as the New England Breeders Club) with a grandstand and mile-long oval track, they seemed headed for success.

They attracted 10,000 patrons the first day of racing in June, 1906. But their scheme was shut down by the State a few weeks after it began as the troika had neglected to mention there would be wagering at the racetrack - something it was quite illegal to do at the time.

Sitting idle, the N.E. Breeders Club eventually declared bankruptcy.

There followed many many ambitious plans for the property until horseracing returned in 1933.

An aviation meet was held there in October of 1911. So was a "Gymkhana Athletic Meet & Military Field Day." These ideas had gone bust when Methuen millionaire Edward F. Searles bankrolled its purchase in 1912 as a place for a series of country fairs. It also served as a staging point for American soldiers heading overseas during World War I.

The track was left to New York resident Arthur Walker after Searles' death in 1920 and he, in turn, sold the property in June, 1925 for "\$1.00" other valuable considerations to the Rockingham Motor Speedway Inc.



RACEWAY - Rockingham Park served as a car raceway for a half decade 1925-30.

The horse racing track was now to become a car racing track - first with a dirt track, then with a one-mile, banked wooden track.

More than 40,000 people showed up for the first auto race. Car racing lasted until 1930 - then promoter Lou Smith made his push for legalized wagering at Rockingham - and received it.

After first running horse racing 1931 without wagering, Smith received N.H. legislative authority to have the first legalized wagering on thoroughbreds in New England in June of 1933.

Thoroughbred and harness racing continued uninterrupted from its post-war time until the July 29, 1980 fire which devastated the track.



The Rockingham Grandstand and Clubhouse before the 1980 fire.

1980 FIRE

The racetrack had a surprisingly good start that summer meet of 1980. Twenty-one days into the meet, the attendance and handle were up from previous years. In fact, opening day drew 15,437 patrons - the highest turnout in five years.

The morning of July 29 was like any other morning. I was working

plastic toy would. In two hours, the entire grandstand looked like a soggy, twisted, smokey metal salad.

N.H. Jockey Club President Ken Graf entertained the notion of running races without the grandstand, but that idea "went up in smoke" after questions of liability were more seriously examined.

It was then time for the parade of offers to rebuild the track to start.

DELAWARE NORTH
Perhaps the nastiest fight in the 1980's, literally pitting family's against family's, came when the Delaware North company arrived on the scene with a grandiose scheme to rebuild Rockingham for horse and DOG racing - AND (the carrot in front of the donkey)

IT TAKES TIME

A 12-ounce can of beer, a 4-ounce glass of wine and a standard 1-1/4-oz. of alcohol in a mixed drink is equally intoxicating. The body takes 1 hour to oxidize these amounts through the system.

Cold showers, hot coffee and fresh air don't speed it up.

In New Hampshire last year, 58 deaths were alcohol related. Don't join that crowd.

DESIGNATE A DRIVER ...FOR LIFE.

N.H. Highway Safety Agency

build a \$50 million, 18,000-seat arena to house the Boston Bruins.

Delaware North entered the picture in the Fall of 1980 when they plunked down \$200,000 for the exclusive option to the property.

Their whole proposal hinged on the town accepting dog racing at the racetrack - something the town had shot down twice in previous years.

In 1981, Delaware North launched a \$50,000 media blitz to convince Salem voters to approve their request (which was on the March 10, 1981 ballot) while, at the same time, an equal amount of money was being spent to torpedo the arena/dog racing proposal.

Continued on page 8

GRAND OPENING SALE!

15% Off ALL MARINE FISH & INVERTEBRATES

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- Anoles \$1.99



SEA WORLD PET CENTER

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Salem, N.H.

898-1441



Southern N.H. Story of the decade: Rockingham Park development

group of Pleasant Street residents in Salem formed a group called Dogs Against Salamanders.

Both sides in the question went at it hammer and tongs. Opponents of the arena claimed Delaware North's proposal was eventually defeated when legislators denied them a series of tax breaks (\$125 million over 25 years, as well as \$40 million in tax-free, low interest development bonds).

When Delawares North pulled up its tent and left the state, the gates were open for numerous proposals.

SKIES OF SCHEMES

Edward DeBarro, a giant real estate developer, flew over the property before discrediting it from his plane.

In August 1981, a group of business men led by George Launder of Kittery, Maine tried to put a package together for ONLY horse racing at Rockingham that failed.

In September of 1981, even a Wingham businessman, Thomas Fay Jr., made an attempt to put together a package to buy the track but that too fizzled.

It seemed like everyone wanted a piece of the rock, but no one could finance it.

CABIN GAMBLING

Then, in November, 1981, MGM



principal who would re-open the track in May of 1984] outpatient Delaware North \$76,424.81 to \$3,779.45 during that battle.

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principal Joe Carney, Max Heggel, Dr. Tom

Carney, Ed Keenan and in front, their attorney

Joseph Millinnet. They bought it in 1982.

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Countless meetings were held

by both sides - including a group

of groups interested in the track. They

didn't succeed however.

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H. Story of the decade: Rockingham Park development

Street residents in a group called "H. Story" who would re-open the track in May of 1984) outpatient Delaware North \$76,42,61 to \$3,279,45 during that battle. The question went on to the Delaware North's proposal was eventually defeated when legislators denied them a series of tax breaks (\$125 million over 25 years, as well as \$40 million in tax-free, low interest development bonds).

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SERIES OF SCHEMES

Edward DeBartolo, a giant real estate developer, flew over the property before dismissing it from his plans.

In August, 1981, a group of business men led by George Launders of Kittery, Maine tried to put a racing together for ONLY horse racing at Rockingham that failed.

In September of 1981 even a Windham businessman, Thomas Fay Jr., made an attempt to put together a package to buy the track but that too fizzled.

It seemed like every wanted a "piece of the rock" but no one could finance it.

CASINO GAMBLING Then, in November, 1981 MCM



Grand Hotels proposed a \$100 million casino for the property.

The only problem was like the days when "Bet A Million Gator" was in town - the state had it outlawed.

MGM Grand Chairman and Chief Executive Officer, Fred Beninger, was a familiar face in town for a while before his announcement on February 6, 1982 that the firm had no plan for the property unless there could be casino gambling.

The state government had gone on record as being opposed to casino gambling - and MGM's plans were a little too ambitious: they not only wanted 40,000 square foot structure for casino gambling, but thoroughbred & harness racing, dog racing, a 350-room hotel, a lei bar fronton as well as a giant entertainment complex for Las Vegas shows.

Opposition from area churches was taking on steam when the MGM announcement to pull out was announced.

The track changed hands the summer of 1983.

NETT WEEK,
ROCKINGHAM PARK
OPENING DAY
TO PRESENT

Windham man receives award

EAST LANSING, MICHIGAN -

Mr. JOHN VALLETTA of Windham has been awarded the Certified Hotel Administrator award by the educational Institute of the American Hotel & Motel Association (AH & MA).

The announcement of the award came from John J. Clark Jr., CFA, Chairman of the Institute's certification commission and Dean of the School of Hotel Administration at Cornell University, Ithaca, N.Y. The Certified Hotel Adminis-

trator" is the most prestigious designation offered by the Educational Institute.

To qualify for this distinction, hotel executives must demonstrate high levels of academic achievement and industry experience.

In addition to his association with the AH & MA, Mr. Valletta is also a member of the New Hampshire Hospitality Association. He has previously served on the Board of Directors of the Massachusetts Hotel Association, the

Happy New Year



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THE WINNERS - Rockingham Venture eventually ended up with Rockingham Park. Pictures taken after signed the sales agreement are

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THE HEART OF A PERFECT WEDDING
ORIGINALITY

Wedding Gowns

Maids Gowns

Prom Gowns

Mother's Gowns

Accessories

Flowers

Music

Transportation

Photography

Entertainment

Decorations

Transportation

Photography

Entertainment