MINUTES OF THE
BOARD OF SELECTMEN

Regular Meeting of
January 13, 2020

The Board of Selectmen held a meeting on Monday, January 13, 2020 at Salem Town Hall, 33 Geremonty Drive, Salem, NH.

PRESENT: Chairman Jim Keller, Selectman Michael J. Lyons, Selectman Arthur Barnes, Selectwoman Lisa Withrow, Selectman Robert Bryant, and Chris Dillon (Town Manager).

CALL TO ORDER:
Chairman Keller began by calling the meeting to order at 7:00 p.m. He joined the Board in the Pledge of Allegiance.

1. Meeting Minutes:
MOTION: by Selectman Lyons
Move to approve the sealed Board of Selectmen Meeting Non-Public Session #1 Minutes from January 6, 2020.
SECOND: by Selectman Bryant
VOTE: 4-0-1
The motion passed with Selectwoman Withrow abstaining.

MOTION: by Selectman Lyons
Move to approve the sealed Board of Selectmen Meeting Non-Public Session #2 Minutes from January 6, 2020.
SECOND: by Selectman Bryant
VOTE: 4-0-1
The motion passed with Selectwoman Withrow abstaining.

2. Chairman Comments:
Chairman Keller stated that they had a natural gas incident in town today. He asked the staff for an update.

Manager Dillon stated that there was an incident today where someone working on Route 28 hit a gas line. A detail was immediately on site and the Fire Department was contacted and responded. They did some amazing things to handle the situation.

Larry Best, Fire Chief, stated that at 9:10 AM a gas line was struck at 29 South Broadway. It was a significant gas leak on the main transmission line on Route 28. The Fire Department responded within three minutes and evacuated some nearby houses. They did some air monitoring to ensure no gas was in the buildings. Unitil responded and they prepared a plan to stop and repair the gas leak. They turned off the gas line by closing some valves. That shut off the gas to a number of
buildings on 28, Main Street, and Geremonty because there was no other way to send gas in. That affected three assisted living facilities. The Police Department and Municipal Services arrived on scene and they created a plan for restoration. They opened the Emergency Operations Center at 11 AM so that they could have a unified command to coordinate between the different entities involved. The repair work had been going on all day and should be completed shortly. The restoration plan would begin once the line was purged and pressurized. Unitil had been on scene since the beginning and would have to go to each customer to restore service because they had shut them off earlier to prevent gas entering the houses. It would take all night to do that and then Unitil would cover the businesses in the morning. The Town had worked to help the three assisted living facilities and they would be among the first to be restored. 335 customers were affected by this incident. They had a recall of staff and also assistance from other towns to maintain fire and EMS service during the event. They had ten other unrelated calls for service during the day.

Chairman Keller asked if there was a sequence for residential restoration and the protocol for communicating with the residents.

Chief Best stated that Unitil had a complete customer list and they had identified the residential ones. The large apartment buildings affected by this had sent representatives to work with Unitil. They had called people and gone door to door today to inform residents about what was happening and the restoration plan. The Police Department did face to face meetings with the area restaurants. They were able to do reverse calls out informing residents about what was happening. The first message was sent to the whole community and the later calls went to the affected areas only.

Chairman Keller asked if the intent was to get to the residential units tonight.

Chief Best answered yes.

Chairman Keller asked if the intent was to have people stay up to wait for Unitil to turn their gas back on.

Chief Best answered yes. If people were not there or were asleep then a tag would be left with instructions to contact Unitil for restoration.

Chairman Keller asked who people should contact if they had questions.

Chief Best answered that they should call the Fire Station number in order to contact the Emergency Operations Center.

Chairman Keller stated that was the place to call.

Chief Best stated that if anyone smelled gas then they should call.

Selectman Lyons asked for the age of the Code Red system.
Chief Best answered that it was ten years old.

Selectman Lyons asked if it was the latest technology.

Chief Best stated that it was for them. This was the most they had used the system in years.

Chairman Keller stated that the Town had done a review of the phone numbers four years ago.

Chief Best stated yes, that was the case.

Selectman Lyons asked how people reprogrammed their contact information from a landline to their cell phone number.

Chief Best stated that they could call the Fire Department.

Chairman Keller stated that they could also use the website. They should repost the link for the website and remind people to keep their information current.

Selectman Lyons asked about using the emergency system from the State.

Chief Best stated that it was easier to manage the local system. The State and Federal agencies offered assistance. He spoke about the cooperation between the Department Heads and staff in the EOC and how everyone assisted each other.

Chairman Keller stated that they may want to talk about incident later. He thanked the team for their response.

Chief Best stated that they still had a long way to go before it was over.

Chairman Keller stated that they may want to talk about closing the loop to Main Street and consider a request to Unitil to see how they had to deal with areas of town and specific facilities.

Joel Dolan, Deputy Police Chief, stated that the Police Department had extra staff on duty and they would have officers going with the Unitil team. If people had questions about who was knocking on their door during the night, they could call the Police Department for answers.

Chairman Keller asked if the Unitil stated would have badges to identify themselves.

Deputy Chief Dolan answered yes. There were sixteen Unitil employees who would be going around. Route 28 was still down to one open lane in each direction.

Chairman Keller stated that he was proud of the Town’s response. He stated that the next item was a word from the Town Moderator.

Chris Goodnow, Town Moderator, stated that they had elections coming up. They were still looking for people to help staff the elections. The Town offered $10 per hour but it was basically
a public service. They needed registered Democrats and undeclared voters to balance the staffing ratios. Mr. Goodnow stated that they were asking people to come to the Town Clerk’s office and fill out an application. They had four elections coming up this year.

Chairman Keller asked about the minimum age for election workers.

Mr. Goodnow stated that the minimum age was now seventeen. Everyone eighteen and older who applied needed to be a registered voter. They had high school students who worked as poll workers during each election.

Chairman Keller stated thank you.

3. Introduction of Assistant Planner/Code Enforcement Officer Jacob LaFontaine

Manager Dillon introduced the new Assistant Planner, Jacob LaFontaine who started with Salem on December 9, 2019. He had previously worked for the Town of Tilton and served on Milford’s Planning Board for four years. Mr. LaFontaine was also here to touch on code enforcement issues.

Jacob LaFontaine, Assistant Planner, stated that he had been in Tilton where he started as a research assistant. He spoke about what he had been working on including zoning amendments. His first project was working on the code enforcement procedures. They compiled information on the enforcement issues from previous years. Mr. LaFontaine stated that they had assigned numbers to complaints to track them. They amended the complaint form. They had worked on five cases this year and closed two of them. He was working on some of the older open ones to get the people in compliance as well. They developed standard operating procedures and contacted Dover and Pelham for information to help improve Salem’s regulations.

Chairman Keller stated that the Board was quite eager to see enforcement of the codes and would support him with what actions needed to be taken.

Selectman Bryant stated that he had been interested in this position for a while. He asked about the process and if they would start at square one if people ignored their letter from the Town.

Mr. LaFontaine stated that they had been inputting the data to track it. The intent was to avoid the persistent cases. He was trying to enter the data about past issues. They currently sent a second violation notice if the first notice was unsuccessful. They were trying to streamline the process to make sure that they followed through and resolved the issue.

Selectman Bryant asked if it was legal to rent campers in a residential neighborhood.

Mr. LaFontaine answered no.

Selectman Bryant asked about if it was legal for people to run a business from their shed.

Mr. LaFontaine answered no.
Selectman Bryant stated that there were people in his neighborhood doing that.

Chairman Keller asked if the complaints could be documented in ViewPoint.

Mr. LaFontaine stated that he had seen the software because they had a demonstration two weeks ago. The had tried to replicate that but it led to files having to be saved in different formats. This software would bring them together to one common place. He covered how it worked.

Chairman Keller stated that the Board liked to look at the life cycle management and how quickly the process was from start to closure. He asked if this information was being inputted into the GIS.

Mr. LaFontaine stated that they tried to close things quickly.

Chairman Keller asked if the code enforcement issues were being added to the GIS.

Mr. LaFontaine answered yes. The new software had that ability.

Chairman Keller stated that the Board would follow this and get an update in three months to see how it was going.

Manager Dillon stated that included in the packet was a list of initial enforcement issues that they were working on.

Chairman Keller – thank you.

4. Discussion on Policy Direction for Political Signs

Manager Dillon stated that the packet had a memo from Mr. Scott about political signs.

Bill Scott, Assistant Town Manager, stated that he looked at the local and State regulations on signs. He intended to work with Mr. LaFontaine put together a document that covered how to stay in compliance with both sets of regulations and also post it on the Town website. The difficulty here was that candidates could pick up notoriety in NH and in MA due to the traffic coming across the border. The State did not always do enforcement of signs on their roads and the Town could not take action there. They were going to map out where the Town had jurisdiction and what the State had jurisdiction over regarding signs. They had fewer issues with the other elections but the Presidential Primary was a challenge because the candidates were not local but there were a lot of them.

Selectman Lyons asked how they handled signs in the right-of-way.

Mr. Scott spoke about what they did where they took pictures and notified the candidates about the signs that needed to be moved. They would then start enforcement if the candidate did not address the sign. The main issue was maintenance and safety for the snow plowing and ability of drivers to see. There had also been an issue where people were putting signs in front of the veteran’s memorials and markers. The Town would focus on the important strategic areas first.
Selectman Lyons stated that it was important to enforce the rules. It was frustrating to watch people who were not complying. An example of signs being placed across from North Salem Elementary on Town property when they were not allowed. He spoke about lifting the signs that were thumbing their nose the Town versus ones that were close to the line.

Mr. Scott spoke about the dividing line for the enforcement which was between public assets and the pavement.

Selectman Lyons stated that his concern was just about the people who were thumbing their noses at the ordinance.

Mr. Scott stated that there was also the issue of pulling the signs out of the drainage swales three month later.

Selectman Bryant spoke about the signs by the highway exits which were State property.

Mr. Scott stated that they would send letters out about the traffic issues but they could not enforce violations on State property.

Selectman Lyons asked about what they could do about requiring candidates to bond for the signs to make them collect the signs.

Mr. Scott stated that the Town could not do it unless they allowed signs on public property. The Town did not currently allow for that so the bond was moot. He spoke about the history and that they had tried to send letters to candidates fining them for littering but it was not successful.

Chairman Keller stated thank you.

5. Municipal Services Department – Update on Route 28 Infrastructure Project

Roy Sorenson, Municipal Services Director, stated that Chief Best did an excellent job on the EOC and how it was run. The contract numbers had not changed. They were back to work this week. There were two duct banks of fiber lines. He showed the two duct banks. This past week the lines were exposed and the lines were now on telephone poles so that the work can be done. They were waiting for the water in culvert to subside before working on the lines. The goal was to get back to the lines next week. They were ready to get to the culvert beneath the fiber lines now. Mr. Sorenson stated that they one section of drainage culvert by the Department of Labor building that had to be replaced. The sidewalk was being pulled up when they hit the gas line. The gas line was not marked properly and went under the sidewalk instead of beside it in that area. The PUC came out to investigate the incident. They would work with the gas company to get the line straight instead of having the section go under the sidewalk. The reason for the issue of so many customers losing service was that the line was a dead end. They had spoken with the companies about making connections to close loops as part of the Depot project. That would allow them to maintain service on Main Street if the line on Route 28 was shut down. The lines were being purged now so that service could be resumed.

Chairman Keller asked about the timeframe for the Town to hear from Unitil and incorporate the
gas line connection into the Depot Project.

Mr. Sorenson stated that they had a meeting scheduled for today with Unitil but it was rescheduled because of the gas leak. He spoke about making the connection underground as something that they wanted to do. There was a line running under the railbed from Pleasant Street but it did not reach the Depot.

Chairman Keller asked him to keep the Board informed and let them know if he had any impediments towards getting the underground connection. He stated thank you to Mr. Sorenson.

6. Discussion on Traffic Impact Fee Zones
Manager Dillon stated that packet had information on updating the zones for the traffic impact fees. Town was divided into three zones currently.

Mr. Scott stated that there was memo that he had given to the Board. The specific issue was about the intersection of School, Bridge, and Main Streets where the intersection the intersection was part of Zone 2 which also included the Depot and Route 28 which were more intensive capital project. He wanted to take a look at the zones, specifically looking at the process and data to see if they could move the Zone 3 line down a little bit to cover this intersection. That would keep from using Zone 2 fees to fund things that were adjacent to Zone 3 currently. Mr. Scott provided a table of the traffic impacts at the School, Bridge, and Main Street intersection. Traffic from Zone 3 was contributing to the problems at this intersection. He spoke about the needs at the intersections. They would get back to the Board. It would require a public hearing at Planning Board and then a vote of the Board of Selectmen.

Chairman Keller stated thank you directed Mr. Scott to proceed accordingly.

7. Consideration of Proposed Collective Bargaining Agreements
Manager Dillon stated that the packet had a contract with SEA. He stated that this extended the current agreement for one more year. If Board agreed then he would have to create a Warrant Article for the Agreement.

MOTION: by Selectman Lyons
Move that the Board of Selectmen hereby ratifies the contract with the Salem Administrative and Technical Employees Union (SEA), Local 1984, for a one-year term effective April 1, 2020 to March 31, 2021.

SECOND: by Selectwoman Withrow

VOTE: 4-0-1 - Motion passed with Selectman Bryant abstaining.

8. Discussion on Tax Collector Position
Manager Dillon stated that the current Tax Collector had informed him that she would not be seeking re-election. She had worked for the Town for 32 years including 24 as the Tax Collector. A previous manager had brought up changing the office of Tax Collector to an appointed position but the Board chose to defer at that time. He had brought it to the Board for discussion now because the person was retiring.
Selectman Lyons stated that he would support making this position report to the Town Manager. He would put it to the voters to decide.

Selectman Bryant stated that people could just run for the office so it did not need a job description.

Manager Dillon stated that there was a job description that had been prepared but anyone could run for the office.

Selectman Bryant spoke in favor of appointment of the position.

Selectwoman Withrow agreed.

Selectman Barnes spoke in favor of appointment as well.

Chairman Keller stated that the Tax Collector and the Town Clerk currently did not report to the Town Manager. There was no managerial oversight or direction for those positions. That was why he supported it.

Manager Dillon stated that there were two different RSAs that could apply. He stated that under one option, RSA 41:33, the Board of Selectmen would have oversight. A different RSA, RSA 37:16, would make the Town Manager the Tax Collector who would then delegate that authority to someone to serve as the Tax Collector.

**MOTION:** by Selectman Lyons

*Move that the Board of Selectmen proceed with a Warrant Article under RSA 37:16 to ask the voters to approve designating the Town Manager as the Tax Collector.*

**SECOND:** by Selectwoman Withrow

**VOTE:** 5-0-0

The motion passed unanimously.

9. Discussion on Possible Land Procurement

Chairman Keller skipping this item.

10. Continued Review/Approval of Proposed 2020 Warrant Articles

Manager Dillon stated that there was a proposed article for drainage improvements. The Board discussed focusing on the Hooker Farm Road culvert. It was estimated to cost $125,000 at the last meeting. They got an estimate of $80,000 instead. Mr. Sorenson had more information on another option for addressing this.

Mr. Sorenson stated that they would put it as a bid alternate on Plaisted Circle as part of the Road Program bids since it was in the same area and they were doing drainage work in the area. They might get some better pricing. The others would still need to be done in the future but his recommendation was to drop this from the Warrant.
MOTION: by Selectman Lyons
Move to drop the Drainage Improvements Warrant Article from the 2020 annual Town Meeting Warrant as recommended by the Municipal Services Director.

SECOND: by Selectwoman Withrow

Selectwoman Withrow asked if they were adding this to the Road Program and needed to change the amount for that Warrant Article.

Selectman Lyons answered no, they would just include it in the program without adding money to the Warrant Article.

VOTE: 5-0-0
The motion passed unanimously.

Manager Dillon stated that the next item was the SEA Agreement.

MOTION: by Selectman Lyons
Move to forward the following article to the 2020 annual Town Meeting Warrant with recommendation:

Shall the Town vote to approve the cost items included in the collective bargaining agreement reached between the Board of Selectmen and the members of the State Employees Association (SEA), Local 1984, which call for the following changes to salaries and benefits at the current staffing level:

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<thead>
<tr>
<th>Fiscal Year</th>
<th>Estimated Increase/Decrease</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>2020</td>
<td>$36,864</td>
<td>1.9% Salary Adjustment</td>
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<tr>
<td></td>
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<td>Effective April 1, 2020</td>
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and further to raise and appropriate the sum of $36,864 such sum representing the anticipated increase in salaries and benefits required by the new agreement from what would be paid under the current agreement at current staffing levels? Shall the Town, if article is defeated, authorize the governing body to call one special meeting, at its option, to address article cost items only? (Majority vote)

SECOND: by Selectwoman Withrow

VOTE: 5-0-0
The motion passed unanimously.

Manager Dillon stated that he would run the language for Tax Collector Warrant Article by legal counsel and add it to the Warrant. That was the Warrant.

Selectman Lyons asked how they did with trimming the Warrant down.

Manager Dillon stated that they did good.
Selectman Bryant asked for the number of Articles.

Nicole McGee, Finance Director, stated that they had voted to send fifteen Articles to the Warrant.

Manager Dillon stated that they had some petitions and there were likely to be five zoning Articles as well.

**11. Town Manager’s Report/Questions from Board of Selectmen**

Manager Dillon stated that EOC and the staff did an amazing job and made sure things were dealt with. He mentioned the Budget Committee meeting on Wednesday.

Chairman Keller asked for the date of Deliberative Session.

Manager Dillon answered February 1st at Salem High School at 9 AM.

Chairman Keller stated that they needed to post for the traditional meeting for that morning.

**12. Old Business/Tabled and Pending**

Authorize Town Manager to Sign One-Year Extension of Franchise Agreement with Comcast

**MOTION:** by Selectman Lyons

Move that the Board of Selectman removes the Comcast Franchise Agreement Extension off the table.

**SECOND:** by Selectwoman Withrow

**VOTE:** 5-0-0

The motion passed unanimously.

Manager Dillon stated that at last meeting they discussed the agreement. The Board requested that a fund balance policy be developed. Tom Giarrosso had a memo on that issue and was here to answer questions.

Tom Giarrosso, SCTV Director, stated that he had given the Board a memo. He had recommended a cap on fund usage to keep it at a minimum of 60% and to increase the franchise fee to 4.5% in 2020.

Chairman Keller asked about the tiered rate for seniors.

Mr. Giarrosso answered that Comcast stated that they could look into. They wanted to hear from the lawyers during negotiations.

Manager Dillon stated that they would discuss with counsel. It was now a goal of the Town’s counsel to include it.

Chairman Keller asked if this agreement had expired.
Manager Dillon answered that it had expired on December 6th.

Chairman Keller stated that he okay with one year. For next year he wanted to know about a tiered system for seniors.

MOTION: by Selectman Bryant
Move that the Board of Selectmen authorizes a one-year extension of the current franchise agreement between Comcast and the Town of Salem commencing on December 6, 2019 and ending on December 6, 2020 or until such time as the Franchise is renewed for a longer term, whichever occurs sooner; and further to authorize the Town Manager to sign the extension on behalf of the Town.
SECOND: by Selectwoman Withrow

VOTE: 5-0-0
The motion passed unanimously.

MOTION: by Selectman Bryant
Move to authorize and increase in the Franchise Fee for Comcast from 4% to 4.5% in 2020.
SECOND: by Selectwoman Withrow

Chairman Keller asked if there would be a back charge.

Mr. Giarrosso stated that Comcast did not do that last time.

Chairman Keller asked the staff to check on it.

Selectman Lyons asked if that was the same as last week.

Manager Dillon answered yes.

Selectman Barnes asked about including the 2021 increase since it was a one-year agreement.

Manager Dillon spoke about how they would have to bring a new agreement forward in order for the 2021 increase to take effect. This motion was just done to save time in the future but they would still have to ratify a new agreement either way.

Selectman Bryant amended his original motion to cover only the 2020 increase instead of covering the 2020 and 2021 rates.

VOTE: 5-0-0
The motion passed unanimously.

MOTION: by Selectman Bryant
Move to approve the Salem Community Television Fund Balance Policy as presented with a minimum fund balance of 60% of the annual SCTV budget (excluding large capital purchases of $500,000 in any given year).
SECOND: by Selectwoman Withrow

Selectman Lyons asked how they were now right now with the policy.

Mr. Giarrosso listed what was in the fund and stated that they did not meet the 60% yet.

Selectman Lyons asked if the schedule would get the Town to that level.

Mr. Giarrosso answered yes.

Selectman Lyons asked if it would insulate them from what the Feds were doing.

Mr. Giarrosso stated that was it hard to say.

Chairman Keller asked if by end of 2021 they projected to be within the fund balance policy.

Mr. Giarrosso answered yes, but they did not know what Comcast would do in the future.

Chairman Keller spoke about getting into compliance with the policy. They needed to comply with the policy when they set these levels.

Manager Dillon stated that was the reason for including both years in the earlier motion.

Chairman Keller stated that they would discuss next year as part of the annual fee schedule review.

VOTE: 5-0-0
The motion passed unanimously.

Chairman Keller stated thank you.

13. Additions and/or Requests by Public or Board by Vote:

14. Upcoming Meetings
- January 16, 2020
- February 3, 2020
- February 10, 2020
- February 24, 2020

ADJOURNMENT TO NONPUBLIC SESSION UNDER RSA 91-A:3,II(d) AT 8:21 P.M.
MOTION: by Selectman Lyons
Move to adjourn at 8:21 PM.
SECOND: by Selectman Bryant
1 ROLL CALL VOTE: 5-0-0
2 SELECTMAN BRYANT – YES
3 SELECTMAN LYONS - YES
4 CHAIRMAN KELLER – YES
5 SELECTWOMAN WITHROW – YES
6 SELECTMAN BARNES - YES
7 The motion passed unanimously.

Notes/minutes taken by: Jeremiah Lamson

Approved: Board of Selectmen

Date Approved: February 3, 2020