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**MINUTES OF THE
BOARD OF SELECTMEN**

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**Regular Meeting of
May 4, 2020**

10 The Board of Selectmen held a virtual meeting on Monday, May 4, 2020 at Salem Town Hall, 33
11 Geremonty Drive, Salem, NH.

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

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CALL TO ORDER:

23 Chairman Lyons began by calling the meeting to order at 7:00 p.m. He gave the dial-in number
24 for the public comment period.

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1. Meeting Minutes:

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MOTION: by Selectman Keller

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Move to approve the Board of Selectmen Meeting Minutes from April 20, 2020.

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SECOND: by Selectman Bryant

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ROLL CALL VOTE: 5-0-0

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SELECTMAN BRYANT – YES

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SELECTMAN KELLER – YES

CHAIRMAN LYONS – YES

SELECTWOMAN WITHROW – YES

SELECTWOMAN STACEY - YES

The motion passed unanimously.

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2. Chairman Comments:

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None.

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3. Salem Emergency Operations Center Briefing

Chairman Lyons stated that they would start with the briefing.

Fire Chief Larry Best stated that this was the eleventh briefing. The Governor had issued new Orders on Friday for Stay-At-Home 2.0 and the reopening of some businesses. It was Emergency Order #40. He covered the provisions of Order which opened campgrounds to New Hampshire residents and members of private campgrounds, hospitals could start elective procedures and business virus prevention guidelines took effect on May 4th. On May 11th golf courses, barbershops, retail stores, and drive-in theaters were allowed to open if they followed specific guidelines. On May 18th, restaurants could open for outdoor seating if they followed regulations on seating, party sizes, and precautions. There were guidelines for protective measures for everyone to follow. Emergency Order #2 which covered on-site food and beverage preparation and consumption was extended until May 31st along with orders covering restrictions on churches, alcohol sales, public gathering sizes, and hotels. Information was available about the Orders on the State and the Town Hall website. On May 6th, there would be a Staff meeting to

1 prepare for the re-openings of businesses in Salem and determining the role of each division in
2 the re-opening process. They anticipated there would be a lot of questions on the re-opening
3 process. The Town Staff was determining what steps would need to be taken with the re-opening
4 of Town facilities. They wanted to make sure that the proper steps were taken to safeguard the
5 employees and the public. Salem had 173 cases of the virus as of this morning. Chief Best gave
6 the numbers of other area communities. Rockingham County had 862 cases which was 240 more
7 than last week. Massachusetts was a concern as Essex and Middlesex counties each had
8 increases of over 2,500 cases from last week while neighboring communities like Methuen,
9 Lowell, and Haverhill all had 250 to 300 more cases than last week. Residents should continue to
10 stay home unless necessary. He spoke with Doug Miklon last week and the American Legion
11 had decided to cancel Salem's Memorial Day ceremony given the pandemic. The Fire
12 Department call volume had remained steady at 90 calls for the past week. It was challenge
13 because they had to clean the ambulances after each call. They were having more simultaneous
14 calls and calls for more severe incidents. They were in good situation with PPE but had long-
15 term supply issues. He reminded people that they should call for help in an emergency even
16 during the pandemic. It was safe to go to the hospital. Chief Best thanked the staff for
17 participating in some support parades in the past week and the community for their continued
18 donations.

19
20 Deputy Police Chief Joel Dolan stated that they had an adequate supply of PPE at the moment.
21 The academy had a good training video they had sent out which included training on face
22 shields. The Police Department was able to get supplies of them from the State and the officers
23 were wearing face shields. They were having a recurrent problem with people at Hedgehog Park
24 and had responded to several calls with people ignoring the closed signs. They began new
25 staffing levels on the 29th to overstaff the shifts and decrease cross contamination. The
26 Department had a 15% increase in calls over last year to this point particularly calls for domestic
27 issues. The accident volume was down but the severity was higher. They had an officer in
28 quarantine from interaction with COVID-19 positive criminals. The officer had not developed
29 symptoms and would be returning to work when the period ended. They had cancelled events for
30 National Police Week. Deputy Chief Dolan covered what they were planning to do for the local
31 memorial service instead. They would need to update the protocols for handling shoplifting now
32 that stores were re-opening. He warned that committing a crime with a mask on can lead to
33 elevated charges. Claiming COVID-19 as a threat or intentionally coughing on items could also
34 elevate the charges. The officers who were reassigned were staying positive. They were keeping
35 track of the donations that were coming in to the Police Department and sending thank you
36 letters out to the donors. He asked everyone to stay positive.

37
38 Brian Lockard, Health Officer, stated that the State had provided universal guidelines for
39 employers. He covered the screening process employers needed to follow at the start of the day
40 and listed the practices that the employers needed to follow. Employees needed to stay home if
41 sick, practice hand sanitation, and wear masks when social distancing was not possible. They
42 should follow the guidelines that could be found on the State websites. Businesses could request
43 cloth facemasks from the State for their employees to wear. Mr. Lockard covered what people
44 should do and stated that this information was on the Town website.

45
46 Dr. Michael Delahanty, Superintendent, stated that they had had a school vacation week last

1 week and would be working until the next professional day on May 22nd. On that day, the staff
2 would finalize the plan for the end of the school year. The School District would have
3 announcements about end of year activities later this week such as orientations and the fifth and
4 eighth grade school transitions. They would try to provide Seniors with a memorable experience
5 even if they could not have the normal one. They were hoping to have a traditional graduation
6 ceremony later in the summer. He spoke about the efforts they were making to prepare a safe
7 plan and that they had to maintain social distancing even then. There was a concern about people
8 using the fields at the school and they needed to avoid large gatherings due to the nicer weather.
9 They returned to delivering meals today. About 1,200 meals were provided today and another
10 1,200 meals would be provided on Wednesday. Dr. Delahanty explained how the meal program
11 work. This was National Teacher Appreciation Week and he stated that he was proud of the staff
12 and the job they were doing this year. He thanked the other members of the Emergency
13 Operations Center staff for the job they had been doing as well.

14
15 Chairman Lyons stated thank you.

16
17 Selectman Keller stated that with the Governor's Order starting to open up New Hampshire and
18 the State of Massachusetts remaining closed for the foreseeable future he was concerned about
19 the virus spread. He spoke about shopping at Market Basket and dealing with the people who did
20 not respect social distancing. The concern was how to protect Salem residents. Selectman Keller
21 spoke about the reality of gradually opening of New Hampshire and Massachusetts not leading to
22 more Massachusetts residents coming north. He proposed a face covering order for Salem.
23 Selectman Keller had reviewed other orders and wanted to have people cover their faces. He read
24 a proposed health order from the Board which would require face masks when in indoor facilities
25 open to the public or outside. Businesses would need to post it. The Town would post the order
26 on roads into town. It would remain in effect until the Board removed it. Selectman Keller stated
27 that he felt they needed to take action to protect people.

28
29 **MOTION:** by Selectman Keller

30 *Move that the Board of Selectmen adopts the following emergency Health Order:*

31 *Whereas the Town of Salem Board of Selectmen recognizes additional measures are necessary*
32 *to prevent or reduce activities that increase the likelihood of the spread of the highly*
33 *contagious infectious disease, the Board of Selectmen under RSA 128:3 and acting as Salem's*
34 *Board of Health hereby order the following effective 12:01 AM May 8, 2020:*

- 35 *1. Any individual who is age 2 or older and otherwise not exempt for CDC guidelines*
36 *shall be required to cover their nose and mouth with a clean mask or face covering*
37 *(e.g. disposable mask, cloth mask, face shield, bandana, scarf, etc.) when in or at any*
38 *location open to the general public including all indoor locations open to the public,*
39 *outdoor premises of private locations open to the public such as retail stores,*
40 *restaurants, etc., and all public outdoor locations such as parks, Salem Bike-Ped*
41 *Corridor, sidewalks, streets, etc.*
- 42 *2. All essential businesses, health care facilities, and any other establishment open to the*
43 *public must post a notice at the entry requiring those entering to wear a face covering*
44 *or mask as described in Item #1.*
- 45 *3. The Order is enforceable by a \$200 fine.*

1 **4. *The Town will erect display boards and message boards at key entry points of the***
2 ***community and major roads as defined by the Town Manager and the Director of***
3 ***Municipal Services.***

4 ***This Order shall remain in effect until the Board of Selectmen declares that a Public***
5 ***Health Emergency no longer exists.***

6 **SECOND:** by Selectman Bryant

7
8 Selectwoman Stacey asked if it had been discussed with the Police Department and how people
9 would eat with face masks on.

10
11 Selectman Keller stated that as the CDC guidelines indicated that they would have to take it off
12 when eating a meal but then put it on when done.

13
14 Selectwoman Stacey stated that she thought they lived in the “Live Free or Die” state.

15
16 Selectwoman Withrow stated that she could not support ordering wearing masks outdoors. She
17 could support the requirement for when people were indoors.

18
19 Selectman Bryant stated that he would support the order for inside the stores. People should be
20 wearing masks. People delivering take out had them and it would be good for the people picking
21 up the food to have them as well. He supported that but it was harder to address on the outside.

22 Selectman Bryant gave the example of canoeing in the middle of Canobie Lake by himself as a
23 time when a mask would not be necessary.

24
25 Chairman Lyons asked if the staff had any comments.

26
27 Deputy Chief Dolan stated that enforcement would fall with them. His family wore masks.
28 People should be wearing them when out in public. It was good to see that most people were
29 doing that. This would be a heavy burden. He would have to look into the legality order to make
30 sure they had leverage to enforce it.

31
32 Fire Chief Best stated that they would have to look into this. He understood the intent. The CDC
33 says to wear masks. They were having issues with incidents nationally over people being told to
34 wear masks and refusing. He did not want to put store employees in the situation where they
35 were in those situations.

36
37 Manager Dillon stated that enforcement was with them. He was not sure if the Board would have
38 the authority to issue this Order but he planned to research that to what authority the Board had.

39
40 Chairman Lyons stated that he agreed with the proposal. The Governor had recognized that
41 towns like Salem had different issues in the southern end of the State than other communities.
42 The virus was here. He supported the motion but he would entertain a motion to table if they
43 wanted to staff to research it. However, they had to come back with a way to make this happen.
44 They were on the border.

45
46 Deputy Chief Dolan stated that they could start with an announcement from the Board

1 recommending mask usage. There were a lot of people coming up from Massachusetts. It was no
2 surprise that Salem had the third highest infection totals.

3
4 Chairman Lyons stated that he wanted to get away from advisory notices.

5
6 Selectwoman Stacey stated that she brought up the concern about workers needing to wear
7 masks a few weeks ago. The Governor was making PPE available to retail workers. She hoped it
8 was extended to customers as well.

9
10 Chairman Lyons stated that he felt they needed to move quickly. He was willing to let staff
11 research how to do it but he was done with guidance and wanted something enforceable.

12
13 Selectman Keller felt that people should wear masks if close to others while outside. He did not
14 want to wait two weeks until the next meeting. There were careless people out there and no one
15 needed to deal with it. He felt that they needed to do something soon.

16
17 Chairman Lyons stated that they could have a special meeting tomorrow.

18
19 **MOTION:** by Selectman Bryant

20 *Move to table discussion of the Emergency Order.*

21 **SECOND:** by Selectwoman Withrow

22
23 Selectman Keller stated that the impetus was that New Hampshire was doing stuff to open up
24 and Massachusetts was not opening up. He wanted to get it done soon.

25
26 **ROLL CALL VOTE: 5-0-0**

27 **SELECTMAN BRYANT – YES**

28 **SELECTMAN KELLER – YES**

29 **CHAIRMAN LYONS – YES**

30 **SELECTWOMAN WITHROW – YES**

31 **SELECTWOMAN STACEY - YES**

32 **The motion passed unanimously.**

33
34 Chairman Lyons stated that they had barriers at the transfer station. He asked if it made sense to
35 open it up to allow people to maintain social distancing while dumping trash. He asked the Town
36 Manager to look into it. Chairman Lyons asked if they could ask the State about it. The State was
37 not opening beaches due to concerns of crowding and people coming from Massachusetts. The
38 Rail Trail was popular and a lot of people from Massachusetts were using it. He wanted to ask
39 the State for guidance on whether they should be closing the Rail Trail.

40
41 Manager Dillon stated that they could ask the question.

42
43 Selectwoman Withrow stated that they were supposed to be outside. She was concerned about
44 closing one of the few things they could do outside now.

45
46 Chairman Lyons stated he had a concern and wanted to ask the question.

1 Selectman Keller suggested having the Manager ask the question and report back.

2
3 **4. Community Police Department – Accept Donation for Summer Youth Program and**
4 **Police K-9 Unit**

5 Deputy Chief Dolan stated that the packet had the donations for the summer youth program. He
6 did not see having one this year but it was a long-standing tradition for the department. The
7 money would stay in the account until they were able to do the youth program again.

8
9 **MOTION:** by Selectman Bryant

10 *Move in accordance with RSA 31:95(b) that the Board of Selectmen hereby accept donations*
11 *of \$1,000 from Salem Cooperative Bank, \$200 from Roman Clemente for the Community*
12 *Services Unit Summer Youth Program and \$2,000 from American Legion Post 63 for the*
13 *Police K9 Unit.*

14 **SECOND:** by Selectwoman Withrow

15
16 Selectman Keller stated that there was a third donation from the American Legion for the K-9
17 unit.

18
19 **ROLL CALL VOTE: 5-0-0**

20 **SELECTMAN BRYANT – YES**

21 **SELECTMAN KELLER – YES**

22 **CHAIRMAN LYONS – YES**

23 **SELECTWOMAN WITHROW – YES**

24 **SELECTWOMAN STACEY - YES**

25 **The motion passed unanimously.**

26
27 Deputy Chief Dolan stated thank you, He stated that the DMV was one of the locations that was
28 handing out PPE to businesses and would be open tomorrow from 8:30 AM to 4:30 PM. The
29 Police Department would have an officer on site to handle the traffic.

30
31 **5. Acceptance of \$45,010.30 from the CARES Act Provider Relief Fund**

32 Manager Dillon stated that there was a memo from the Finance Director about this item in the
33 packet.

34
35 Nicole McGee, Finance Director, stated that part of the CARES Act was funding for health
36 providers. There were two rounds of funding but the first round had to be accepted in order to be
37 eligible for the second round. The money was for healthcare expenses and lost revenue due to
38 COVID-19. Salem had \$45,010.30 grant for its expenses. There were a number of provisions
39 with accepting the money. One notable provision was that they could not bill patients for more
40 than what would have been charged for in-network services. She explained what this meant. Ms.
41 McGee covered what was taken in from Medicaid and stated that this billing would not be
42 affected by the grant. The grant only affected commercial billing. It took several weeks to figure
43 out what the money was for because the money came in without an explanation as to why the
44 Town was receiving it.

1 **MOTION:** by Selectman Bryant
2 *Move in accordance with RSA 21-P:43 that the Board of Selectmen hereby accepts a grant*
3 *from the CARES Act Provider Relief Fund in the amount of \$45,010.30; and further authorize*
4 *the Town Manager or Finance Director to sign any and all documents necessary to effectuate*
5 *this grant.*

6 **SECOND:** by Selectwoman Withrow

7
8 Selectman Keller asked how this related to ambulance billing and how it would be applied to the
9 bills.

10
11 Ms. McGee stated that the money was for the Town and was separate from the ambulance bills.
12 The billing company would note if it was a COVID-19 call. They would just have to make sure
13 that the patient was billed at in-network rates when the ambulance bill was sent out.

14
15 **ROLL CALL VOTE: 5-0-0**

16 **SELECTMAN BRYANT – YES**

17 **SELECTMAN KELLER – YES**

18 **CHAIRMAN LYONS – YES**

19 **SELECTWOMAN WITHROW – YES**

20 **SELECTWOMAN STACEY - YES**

21 **The motion passed unanimously.**

22
23 Ms. McGee stated thank you.

24
25 **6. Discussion on Possible Donation of Land Adjacent to Water Treatment Plant – Portion**
26 **of 7 Queen Anne Lane**

27 Manager Dillon stated that the packet had a lot of information on a potential donation. There was
28 a condition as part of a subdivision that land be donated. The Planning Director was present and
29 the Municipal Services Director could speak to it as well.

30
31 Ross Moldoff, Planning Director, stated that the applicant for the development offered the land
32 that was unbuildable to the Town because it abutted the Water Treatment Plant. It had easements
33 for water, drainage, and sewer on it so the land could not be built on. Staff was in favor of this
34 donation. The donation was offered by the applicant and not a condition imposed by the Planning
35 Board.

36
37 Manager Dillon stated that if the Board was in favor then it would require two public hearings.

38
39 Chairman Lyons stated that he was in favor of it.

40
41 Selectwoman Stacey asked if there was an easier way to accept this by going through the
42 Conservation Commission.

43
44 Mr. Moldoff stated that it would not save a lot of time because the Conservation Commission
45 would not meet until June. There was the issue of it being conservation land and then joined to
46 land that was not conservation land. This was the cleanest way to proceed.

1 Selectwoman Stacey answered okay.

2
3 Chairman Lyons stated that the Town Manager should proceed with scheduling the public
4 hearings.

5
6 **7. Discussion on Tax Collector Compensation**

7 Manager Dillon stated that the packet had a memo from him on the compensation, the
8 background information on this issue, and the RSAs. The Tax Collector and the Town Clerk
9 were elected officials but they had followed the compensation and benefits schedule of the
10 SPAA union. Manager Dillon stated that he was prepared to follow that for the new Tax
11 Collector but the individual who was elected had pointed out the RSA governing pay for Tax
12 Collectors and how it had worked for Tax Collectors at the County level. The statute for the
13 County Tax Collectors was worded slightly differently. The person at the county level received
14 the salary in budget. That was not how the Town had handled the position in the past. The Town
15 Manager did not have authority over the compensation for the elected officials. He was seeking
16 guidance on how they wanted to handle this.

17
18 Chairman Lyons asked what they were talking about specifically.

19
20 Manager Dillon stated that what was in the budget for the salary was \$97,975 but they did not
21 know that the Tax Collector was going to retire when the budget was prepared. He presented
22 where Tax Collector compensation was in comparison to other communities and that the start
23 step for that position in the equivalent union step was \$74,530.

24
25 Selectwoman Withrow stated that there was a lot of information but she thought it was either to
26 pay what was in the budget or do what was traditionally done by the Town which it might be a
27 battle.

28
29 Manager Dillon stated yes, those were the options.

30
31 Selectwoman Withrow stated that the elected officials followed the union but were not part of it.
32 She asked if this affected the benefits.

33
34 Manager Dillon stated that it was correct that the elected officials were not part of the union.
35 They treated the positions as employees and paid benefits in the past. He was looking for
36 guidance on how to handle that now.

37
38 Selectwoman Withrow asked where the question was about treating them just as an elected
39 official or as an employee came from.

40
41 Manager Dillon spoke about the question coming up during the orientation process and there was
42 correspondence where the individual stated that they were an elected official so they did not
43 receive those other benefits.

44
45 Selectwoman Withrow asked why they had done things this way if it was different than what the
46 Statute said the Town was supposed to do. It seemed that they had messed up and needed to

1 clean it up for the next time around.

2
3 Manager Dillon stated that the Statute said 'may' instead of 'shall' which was the difference with
4 what the County Statute said. It had not been interpreted as 'shall.' The law's interpretation had
5 not been challenged in court that he was aware of.

6
7 Selectwoman Stacey stated that the Statute for the Tax Collector was permissible while the
8 County had to set the salary before the filing period. If they were saying that they were an
9 elected official who was only entitled to the salary then they just got the salary, correct?

10
11 Manager Dillon stated that he looked into the Statute and that was correct. He said that the NH
12 Retirement Statute could be read as stating that this position would be ineligible for retirement
13 benefits because they would not accrue vacation time and other benefits.

14
15 Selectwoman Stacey stated that if the person was saying that they did not get the benefits then it
16 would just be the salary that the person was paid. That was how they should proceed.

17
18 Selectman Keller stated it was amazing how there was always new stuff that came up. This
19 Board should officially set compensation for elected officials as a matter of public record and
20 clarity. The Board should set a policy on how those elected positions were handled. The Board
21 should have the Town Manager give recommendations then set the policy and move forward
22 accordingly to eliminate ambiguity.

23
24 Selectwoman Withrow stated that she agreed. She asked if this policy would dictate what
25 happened now.

26
27 Selectman Keller stated that would be his position unless advised otherwise by Town Counsel.

28
29 Selectwoman Withrow stated that they should be either treated as an elected official or not.

30
31 Selectman Keller answered that he agreed. The Board as the Governing Body should have the
32 right to set the salary. They should set the salary and then people running for the position would
33 know how it was compensated.

34
35 Selectman Bryant stated that once the budget was set that was it. He thought it was done and
36 over when this came up two weeks ago. Selectman Bryant did not want to be part of another
37 court case. They should do this moving forward. He asked the impact of everything if the
38 position took advantage of everything and if it would be over \$100,000.

39
40 Manager Dillon stated that the salary and benefits would be over \$100,000.

41
42 Selectwoman Withrow asked how long the previous Tax Collector was there.

43
44 Manager Dillon stated that it was thirty-two total years with the Town. Twenty-four years were
45 spent as the Tax Collector.

46

1 Selectman Bryant stated he probably favored sticking with the budget number but addressing the
2 salary moving forward.

3
4 Chairman Lyons asked if Selectman Keller was proposing that the Board adopt a schedule for
5 position.

6
7 Selectman Keller stated that they should set a compensation sheet for the elected officials. That
8 would tell people running what the salary was.

9
10 Chairman Lyons stated that they had a Tax Collector making what the previous one made at the
11 end based on the budget number.

12
13 Selectman Keller stated that he would set the compensation level as effective January 1, 2020.

14
15 Chairman Lyons stated that they needed a motion.

16
17 **MOTION:** by Selectman Keller

18 *Move that the Town Manager work with Town Counsel to draft a proposal that sets the 2020*
19 *compensation levels for the elected officials (the Town Clerk and the Tax Collector) and a*
20 *provides a list of what was included and not included in the compensation for each position.*

21 **SECOND:** by Selectwoman Withrow

22 **ROLL CALL VOTE:** 4-1-0

23 **SELECTMAN BRYANT** – **NO**

24 **SELECTMAN KELLER** – **YES**

25 **CHAIRMAN LYONS** – **YES**

26 **SELECTWOMAN WITHROW** – **YES**

27 **SELECTWOMAN STACEY** - **YES**

28 **The motion passed.**

29
30 Selectman Keller asked to have the recommendation by the next meeting.

31
32 Selectman Bryant stated that his concern was about going back to January 1st and it being a legal
33 problem.

34
35 Selectman Keller stated that was why they had lawyers to advise them.

36
37 **8. Municipal Services – Update on Route 28 Water/Sewer Infrastructure Improvements**

38 Roy Sorenson, Municipal Services Director, stated that Defilice was at 83% and Underwood
39 Engineering was at 79% of the contract. They were working on the bridge rails and removing the
40 utility poles at Salem Manufactured Homes now. There would be some trenching as a result. The
41 project was winding down.

42
43 Chairman Lyons stated thank you.

9. Selectman Keller - Update on Possible Expansion of Facilities Committee

1 Selectman Keller stated that he had asked to bring it back. The original plan was to bring forward
2 a superbond for facilities improvements next March. He thought about it and the timing given the
3 situation with the economy. It was not likely to happen. Selectman Keller thought that the money
4 in the budget for the studies might be needed for something else related to the COVID-19
5 emergency. His concern was if they did not do something with the study immediately then the
6 information would be dated. Selectman Keller thought that before he finalized the charter for the
7 committee, he should see what the Board wanted to do. He was not sure about spending the
8 money on the study right now.
9

10
11 Selectman Bryant stated that he asked to put the committee back to get things moving. There
12 were contracts and the old WWTP plant that might be coming up so he did not see doing a
13 facilities bond next March. The question was about more leaving the existing studies to sit and
14 not do the other buildings. He would follow the wishes of the Board.
15

16 Chairman Lyons asked if the audit would catch costs from deferred items.
17

18 Manager Dillon stated that audits had been done on different Town buildings but other Town
19 buildings had nothing done so far. The plan was to review the previous audits, complete the
20 partial audits, and do those buildings that had not been audited.
21

22 Mr. Sorenson stated that the plan was to do audits and preliminary designs to determine how to
23 proceed. It would provide costs for the items to be addressed. At the end of the proposal some of
24 the buildings would have had preliminary designs. The audits would position the Town for
25 addressing large cost items.
26

27 Chairman Lyons asked about the shelf life of the audits.
28

29 Mr. Sorenson stated that they did go stale. They had a lot of old designs.
30

31 Chairman Lyons stated that if the audits went forward then they had a shelf life.
32

33 Mr. Sorenson answered yes but it would position the Town to address the issues that they felt
34 needed to go ahead.
35

36 Selectwoman Stacey stated that she agreed that they had to be careful with spending. They
37 needed to be tightening their belt. This was concerning to her about spending money on
38 something that would just sit on the shelf.
39

40 Mr. Sorenson stated that he was hearing a consensus about not proceeding, but they should still
41 have the committee go forward. The committee should put a plan in place. He did not want to
42 shelve the whole process.
43

44 Selectwoman Withrow asked how many facilities were left to audit and what it would cost to
45 complete the audits.
46

1 Mr. Sorenson gave the costs of \$15,000 for the DPW building and \$15,000 for the Senior Center.
2 There was also \$10,000 for auditing the historical buildings. Those buildings might be able to get
3 grants for doing the repair work. The bulk of the money in the budget was for the designs.
4

5 Selectwoman Withrow asked if the assessments would still be valid in a few years.
6

7 Mr. Sorenson answered yes. The pricing would change but it told them what needed to be
8 addressed.
9

10 Selectwoman Withrow stated that she agreed with tightening the belt but if they could finish the
11 building assessments at a low rate then that would be good too. She would skip the building
12 designs.
13

14 Chairman Lyons stated that he was concerned because the world was a lot different now. The
15 design would end up on the shelf because they would not be able to get it passed. He stated that
16 combining the current situation with the bond vote that failed at Town Meeting, he would not go
17 forward with the original intent which was a superbond.
18

19 Selectman Keller asked about the calendar time for the assessments.
20

21 Mr. Sorenson stated that it would take about two months and then they would get the reports in.
22 They had the bulk of the assessments already done.
23

24 Selectman Keller stated that if they were to proceed with the committee and set priorities and
25 deferred spending money for two months. They would better understand in two months what the
26 financial situation was like. They could decide on finishing the assessments then. If things were
27 okay then they could go forward. He wanted to know more about the financial situation of the
28 Town before proceeding. This was discretionary compared to other items.
29

30 Chairman Lyons asked if they should review what would be gone out for line by line.
31

32 Selectman Keller stated that would be job of the committee.
33

34 Mr. Sorenson stated that it needed to be established what the needs were because each building
35 was different.
36

37 Selectman Keller gave examples of the guidance they would offer to consultants about the
38 buildings.
39

40 Chairman Lyons asked about the committee membership.
41

42 Selectman Keller stated he had a couple of suggestions which he would address with Selectman
43 Bryant.
44

45 Chairman Lyons stated thank you.
46

10. Discussion on 2020/2021 Goals

1
2 Manager Dillon stated that the Board had discussed establishing goals for him and he had been
3 asked to provide some goals as well. He was hoping to prioritize the goals.
4

5 Chairman Lyons stated that his proposal was for the Town Manager to give his goals then he
6 would go one member at a time to get the Board's goals. It should be a short list and then they
7 would vote on the goals to get a consensus.
8

9 Manager Dillon stated that some of the goals were well underway. The first goal was to finish
10 the regional water line and have water flowing this year. The water line was on track for June or
11 July. The second one was to address the community response and needs related to COVID-19.
12 The third goal was moving more transactions to electronic transactions from paper transactions.
13 The fourth goal was moving forward with the Depot Intersection project. The fifth goal was
14 adopting a plan for the clean-up of the old Wastewater Treatment Plant (WWTP). The sixth goal
15 was to work with the facilities committee on a plan for the building needs and work with finance
16 for the least amount of tax impact for the plan.
17

18 Selectwoman Withrow stated that people would be impacted by this pandemic for a while so her
19 goals were to have a tight budget, updates on the completion of union contract negotiations and
20 other required actions, and updates on fluctuations in the budget. She wanted to know about
21 things that were not budgeted that came up during the year such as unexpected buyouts when
22 they happened.
23

24 Selectman Bryant stated that the first few goals listed by the Town Manager were not personal
25 goals that the Board would pick for him. Improvement in communication was an important goal
26 for him because it was inconsistent. Selectman Bryant stated that an annual review of a job gave
27 people an opportunity to give feedback and it was incumbent to address employee performance
28 and show concerns for their interests. That was his other goal.
29

30 Selectwoman Stacey stated that she thought communication and transparency were key. It was
31 what she heard from residents. She also agreed with Selectman Bryant that employees need to
32 have an opportunity to be heard and reviews should happen. Performance reviews should be a
33 mandatory thing. She wanted to see more involvement regarding to COVID-19 to see what was
34 happening and that the Town could tap into the Federal and State aid. She felt that some of it was
35 falling through the cracks.
36

37 Selectman Keller stated that he would go last and try to turn it into a motion.
38

39 Chairman Lyons stated that the pandemic was everything. Everything discussed at Candidate's
40 Night was gone. Protecting public health and addressing the economic side of the pandemic were
41 the two big goals. Communication was the third item on his list.
42

43 Selectman Keller stated that he tried to make goals somewhat measurable in his business. The
44 first goal would be to have a monthly update at the beginning of each month from the Town
45 Manager on COVID-19 issues with cost impacts from the virus, personnel impacts, and potential
46 sources of revenue from the State and Federal level. It would be a little packet with line items of

1 concern, issues, and funding opportunities. He wanted something standardized with the
2 information the Board wanted as the report. The second goal was prompt notification to the
3 Board of any budgetary item that resulted in an overage of 30% in the budget line or a change of
4 more than \$100,000.

5
6 Chairman Lyons stated that it would be whichever was less of those two conditions.

7
8 Selectman Keller confirmed that was correct. Thirdly with respect to performance reviews, he
9 was proposing an annual employee position and fit review resulting in the employee and the
10 manager discussing the requirements of the job, skills and tools, and any changes needed. It was
11 not just a performance review it would also address the job requirements and expectations. The
12 fourth item was the WWTP which he felt was substantial enough to be dealt with. That was his
13 shot at covering it.

14
15 Manager Dillon stated that they had gone off-line and were no longer on the television channel.
16 He recommended recessing until they could address that.

17
18 Chairman Lyons called a recess at 9:01 PM

19
20 Chairman Lyons called the meeting back to order at 9:11 PM.

21
22 Manager Dillon asked if that was a summary of all of the goals or not.

23
24 Chairman Lyons asked if the Town Manager heard anything that he had concerns about from the
25 goals listed.

26
27 Manager Dillon stated that he understood wanting that information about COVID-19 impacts but
28 it was usually the second week that the Finance Department usually had the wrap up of bills
29 from the previous month done. It would be easier to do the report once the Finance wrapped up
30 the monthly reports.

31
32 Chairman Lyons stated okay. He asked the Board members if they had concerns about the list.

33
34 Selectwoman Withrow stated that she was not sure about the notification limits but felt it should
35 be a little lower than what was proposed. It was really for something unexpected.

36
37 Manager Dillon stated that one of the preventative measures the Town had taken was that all
38 discretionary spending was on hold because they did not know how much would be reimbursed
39 for COVID-19 expenses.

40
41 Selectwoman Withrow stated that the annual employee review was important. She thought that
42 there was something that the Town was required to do and she wanted to make sure was in this
43 category as well.

44
45 Selectman Bryant stated that he agreed with Selectman Keller and Selectwoman Withrow.

1 Selectman Keller just trying to make it so that the goals were measurable.

2
3 Selectman Bryant suggested that they should just add something in there to have the Board to
4 review the progress quarterly with the Town Manager during the year.

5
6 Selectman Keller stated that they could have quarterly goal progress meetings. He listed the
7 goals as a monthly COVID report which would start next week with the May report. Secondly
8 would be notification to the Board of any financial item with a 25% overage or a change of
9 \$75,000 with a minimum cost of \$50,000. If it was a 50% overage but the amount was \$2,000
10 then he did not feel the need to be notified right away of that happening. Thirdly, was the
11 development of a wastewater treatment plant remediation plan to be delivered no later than
12 October 31st. Fourthly was an annual employee fit review with a discussion between the
13 employee and their manager and any other legal requirements that related to it, and lastly a
14 quarterly progress meeting at the beginning of the first month after the end of the quarter.

15
16 Chairman Lyons asked if Board would move to formally adopt the goals.

17
18 **MOTION:** by Selectman Bryant

19 *Move that the Board of Selectmen set the following goals for the Town Manager for the 2020*
20 *year:*

- 21 *1. A monthly report on the impacts of COVID-19 to be presented the second week of each*
22 *month.*
- 23 *2. Notification to the Board of Selectmen of any financial item of \$50,000 resulting in the*
24 *lesser of a 25% overage in the budget line or a change in the line of \$75,000 or more.*
- 25 *3. A report on the remediation plan for the former WWTP to be delivered no later than*
26 *October 31, 2020.*
- 27 *4. An annual employee position and fit review with a discussion between the employee*
28 *and their manager including any legal requirements related to it to be conducted for all*
29 *employees.*

30 *The Board of Selectmen will conduct a quarterly progress meeting with the Town Manager at*
31 *the beginning of the first month after the end of each quarter.*

32 **SECOND:** by Selectwoman Withrow

33
34 Chairman Lyons asked if Manager Dillon had any questions.

35
36 Manager Dillon answered no.

37
38 Chairman Lyons asked Selectman Keller to type the list of goals up.

39
40 Selectman Keller said okay.

41
42 **ROLL CALL VOTE:** 5-0-0

43 **SELECTMAN BRYANT** – **YES**

44 **SELECTMAN LYONS** – **YES**

45 **CHAIRMAN KELLER** – **YES**

46 **SELECTWOMAN WITHROW** – **YES**

1 **SELECTWOMAN STACEY - YES**

2 **The motion passed unanimously.**

3
4 Chairman Lyons thank you.

5
6 **11. Town Manager's Report/Questions from Board of Selectmen**

7 Manager Dillon stated that the Library Trustees had a meeting this evening. They were looking
8 to maintain the building and follow the Governor's Order. They planned to have staff in the
9 building at end of May 25th. Their next meeting in June and they were hoping to re-open in June.
10 Manager Dillon stated that the measures taken to conduct transactions were working. He wanted
11 to keep the Town Hall closed for the rest of month and asked if the Board concurred.

12
13 Chairman Lyons stated okay since there were no objections. He asked Selectwoman Withrow
14 about her having comments about committee assignments. He asked if she would be willing to
15 serve on the CIP Committee again this year.

16
17 Selectwoman Withrow answered yes to the CIP Committee. She stated that she would not be
18 able to make the CART meetings once the Stay-At-Home Order ended. She wanted the
19 Community Development Coordinator appointed as a voting member at CART.

20
21 Selectman Keller stated that they would look at the charter and bring that forward to the Board.
22 His recommendation would be to appoint the Assistant Town Manager to a voting post.

23
24 Selectwoman Withrow asked about the stipend for first responders that she had read about.

25
26 Manager Dillon stated that it would be a \$300 a week stipend but the information on the process
27 for the stipend would be coming out in the next few days.

28
29 Selectwoman Withrow stated that grocery store workers should get the stipend as well since they
30 were working with the public keeping everyone fed.

31
32 Chairman Lyons stated that he would like to have Selectman Keller as the second backup to the
33 Conservation Commission.

34
35 Selectwoman Withrow stated that she had a permanent conflict with the meetings.

36
37 Chairman Lyons stated that they should move Selectman Bryant to the number one position on
38 Conservation Commission.

39
40 Keller motion to amend committee assignments to appoint Bill Scott to CART, assign Withrow
41 to CIP, and move Bryant to first on Conservation

42 2nd by Withrow

43 **MOTION:** by Selectman Keller

44 ***Move to appoint Bill Scott to the CART board until further notice and amend the Board of***
45 ***Selectmen committee appointments to assign Selectwoman Withrow to the CIP Committee and***

1 *appoint Selectman Bryant to the Conservation Commission with Selectwoman Withrow as the*
2 *first alternate and Selectman Keller as the second alternate.*

3 **SECOND:** by Selectwoman Withrow

4 **ROLL CALL VOTE:** 5-0-0

5 **SELECTMAN BRYANT** – **YES**

6 **SELECTMAN LYONS** – **YES**

7 **CHAIRMAN KELLER** – **YES**

8 **SELECTWOMAN WITHROW** – **YES**

9 **SELECTWOMAN STACEY** - **YES**

10 **The motion passed unanimously.**

11
12 Selectman Bryant asked if they had received the comparative wage data that the Town had been
13 looking for last year when negotiating the union contracts and if that addressed the municipal
14 wage data the way they wanted.

15
16 Manager Dillon answered yes. They participated in a wage survey last year but they did not get
17 the results until a few weeks ago. The New Hampshire Municipal Association was also doing a
18 wage survey that the Town would have access to the results.

19
20 **12. Old Business/Tabled and Pending**

21 **a. Municipal Services – Discuss Payment to Sidewalk Trust Fund in Lieu of Sidewalk**
22 **on Pleasant Street**

23 **MOTION:** by Selectwoman Withrow

24 *Move to remove from the table discussion on the Payment to Sidewalk Trust Fund in Lieu of*
25 *Sidewalk on Pleasant Street.*

26 **SECOND:** by Selectman Bryant

27 **ROLL CALL VOTE:** 5-0-0

28 **SELECTMAN BRYANT** – **YES**

29 **SELECTMAN LYONS** – **YES**

30 **CHAIRMAN KELLER** – **YES**

31 **SELECTWOMAN WITHROW** – **YES**

32 **SELECTWOMAN STACEY** - **YES**

33 **The motion passed unanimously.**

34
35 Chairman Lyons stated that they had discussed it and they were not able to come to a resolution.
36 Mr. Sorenson had an intersection alignment proposal that he wanted to do which would prohibit
37 sidewalk work now.

38
39 Mr. Sorenson stated that Pleasant Street had water work going through the intersection with
40 Main Street. There were cuts going through the pavement on Pleasant Street due to the Tuscan
41 project. He went over the intersection design for the Pleasant Street and Mall Road intersection
42 and the developments happening along Pleasant Street. The plan was to do the Mall Road
43 intersection with the work here and with Pleasant Street at Main Street project. They would look
44 at reconstructing the whole road through the Road Program. It was what he was referring to last
45 time when he was said now was not the time. That was why he wanted to do it all together.

1 Chairman Lyons asked when the project would be done.

2

3 Mr. Sorenson stated that it would happen once they were done with the Depot Intersection. The
4 Tuscan project had to make a contribution. They had adequate funding in place for the
5 intersection at Mall Road.

6

7 Chairman Lyons asked for the timeline.

8

9 Mr. Sorenson stated that he wanted this constructed in 2021. They would put Pleasant Street in
10 the Road Program to clean it up and do the sidewalk then.

11

12 Selectman Keller stated that he got doing it as a package. He asked how they would get through
13 the area in question when the project was done.

14

15 Mr. Sorenson stated that they would suggest putting in a sidewalk on the east side with one
16 crossing. He would put in add alternative to the bid to see what it would cost to extend the
17 sidewalk further out.

18

19 Selectman Keller stated thank you.

20

21 Selectwoman Stacey asked about the intention for using the \$90,000.

22

23 Mr. Sorenson stated that it would go into the Zone 2 corridor fees and when they went to do the
24 project, they would pull the money from the fund. There would be many different funding
25 sources involved with the Pleasant Street work.

26

27 Chairman Lyons asked to have phone number for public comment listed.

28

29 Selectwoman Stacey asked about the Tuscan contribution towards the Pleasant Street/Main
30 Street intersection.

31

32 Mr. Sorenson answered that it was \$100,000.

33

34 Selectwoman Stacey asked if it was money that was owed to the Town.

35

36 Manager Dillon answered that they had this money but the money for the Depot Intersection
37 property purchases was coming in 2020.

38

39 Selectwoman Stacey stated that they had a development that needed sidewalks and they were
40 talking about not doing it. She did not want to see the money go towards the Tuscan
41 development.

42

43 Selectwoman Withrow asked if Mr. Sorenson could guarantee that the money would be spent on
44 the sidewalk and the sidewalk would do what was needed for getting residents where they
45 needed to get to.

46

1 Mr. Sorenson stated that he intended to do that but they might not be able to do the project
2 because of COVID-19 issues or something so he could not guarantee that. If things went as
3 planned then he would answer yes.

4
5 Selectwoman Withrow stated that she could not support this if the sidewalk was not built.

6
7 Chairman Lyons stated that they had a cash flow problem and were counting on this money for
8 the work on the Depot as he understood things.

9
10 Mr. Sorenson stated that the Depot Intersection would be done next year. He went over what
11 costs the Tuscan project needed to cover. They had 650 feet of sidewalk that they needed to
12 cover for which money was not already accounted for. They were expecting the money to come
13 in for the work but did not have it in hand yet. It would be a shame to do all of it except that
14 small stretch.

15
16 Chairman Lyons asked if they were owed money from the Tuscan.

17
18 Manager Dillon gave the amount as about \$500,000. Half of the money was due in 2020 and half
19 was due in 2021.

20
21 Chairman Lyons asked if they could communicate to the Tuscan about paying the 2020 portion.

22
23 Manager Dillon answered yes.

24
25 Selectman Keller asked if the challenge was funds at a particular time or in general.

26
27 Manager Dillon stated that it was a timing issue.

28
29 Mr. Sorenson stated that it was a timing issue. The work would all be done in 2021 in a perfect
30 world. He wanted to have all of the cash flow available before the project started. The Depot
31 project could be more or less than what they expected and they would get a hard number once
32 the bids were received back.

33
34 Selectman Keller stated that the Board has to release funds for any purpose if it is in that trust
35 fund. If the plan was a 2021 plan then they would know by the end of the year what was
36 happening. The Board would control what happened with the money. It would be incumbent on
37 the Board to make that decision. The Board should make sure that they had the money. They had
38 a safeguard. He expected a plan for the sidewalk by end of the year.

39
40 Mr. Sorenson answered yes

41
42 Selectman Keller stated that they could append the motion to state that the money would not be
43 used for other purposes.

44
45 Chairman Lyons asked for a motion.

1 **MOTION:** by Selectman Keller

2 *Move that the Board of Selectmen hereby authorizes a contribution in the amount of*
3 *\$90,307.00 from Cedar Crest Development, to be placed in the sidewalk fund, in lieu of*
4 *constructing a sidewalk on Pleasant Street as part of the requirements for the Woodbury*
5 *Estates senior housing condominium complex development as recommended by the Municipal*
6 *Services Department - Engineering Division. Further the intent of the Board of Selectmen is*
7 *that the intent of those funds is construct said sidewalk as part of the Pleasant Street area*
8 *reconstruction.*

9 **SECOND:** by Selectwoman Withrow

10 **ROLL CALL VOTE:** 5-0-0

11 **SELECTMAN BRYANT** – **YES**

12 **SELECTMAN LYONS** – **YES**

13 **CHAIRMAN KELLER** – **YES**

14 **SELECTWOMAN WITHROW** – **YES**

15 **SELECTWOMAN STACEY** - **YES**

16 **The motion passed unanimously.**

17
18 **13. Additions and/or Requests by Public or Board by Vote:**

19 Bill Arivella, 8 Glen Denin Drive, called to say that there was no audio on the meeting. The
20 meeting went off air and when it came back, he could not hear it.

21
22 Selectman Bryant stated that he could hear the television broadcast and there was audio on it.

23
24 Manager Dillon stated that Mr. Arivella should check the audio on his end. The Board recessed
25 the meeting while the issue with the television broadcast was being resolved.

26
27 Chairman Lyons stated that the Governor's Order did not take that people could call in at any
28 time into account.

29
30 **14. Upcoming Meetings**

- 31 • May 18, 2020
32 • June 1, 2020
33 • June 15, 2020

34
35 Chairman Lyons stated that there would be another meeting to address the items discussed
36 earlier.

37
38 Selectwoman Withrow stated that she could not do a meeting on Wednesday evening.

39
40 Chairman Lyons stated that they could have a meeting tomorrow night if things were ready.

41
42 Selectwoman Stacey stated that she had a member of the public request that garbage cans be put
43 outside of retail stores for collecting mask trash.

1 **ADJOURNMENT TO NONPUBLIC SESSION UNDER RSA 91-A:3,II(a) AT 9:57 P.M.**

2

3 **MOTION:** by Selectman Bryant

4 ***Move to adjourn to Nonpublic Session under RSA 91-A:3,II(a) at 9:57 PM.***

5 **SECOND:** by Selectwoman Withrow

6 **ROLL CALL VOTE:** 5-0-0

7 **SELECTMAN BRYANT – YES**

8 **SELECTMAN LYONS – YES**

9 **CHAIRMAN KELLER – YES**

10 **SELECTWOMAN WITHROW – YES**

11 **SELECTWOMAN STACEY - YES**

12 **The motion passed unanimously.**

13

14 Notes/minutes taken by: Jeremiah Lamson

15

16 Approved: Board of Selectmen

17

18 Date Approved: May 18, 2020, as amended