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**MINUTES OF THE
BOARD OF SELECTMEN**

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**Regular Meeting of
May 11, 2020**

10 The Board of Selectmen held a virtual meeting on Monday, May 11, 2020 at Salem Town Hall,
11 33 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:

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

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1. Salem Emergency Operations Center Briefing

27 Chairman Lyons stated that they would start with the briefing.

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Fire Chief Larry Best stated that this was the twelfth briefing. The Governor announced last
Friday that dentists were now able to open. The Salem NH DMV Office was opening up today
by appointment only. He stated that the State was helping with PPE for businesses and they
could contact the State through the State website. Chief Best covered the State's contact tracing
protocol and what people were told when they were contacted by the State. People should stay
home for fourteen days after being contacted by the State about possible exposure. Golf courses
and hair salons were able to open this week. Retail businesses were also able to reopen.
Restaurants could reopen for outside service next week in addition to the takeout business that
they had been allowed to do. Seating would be limited to six people per table and the tables had
to be six feet apart. Town Staff met last Wednesday to discuss the reopening of businesses and
restaurants and the role of each department. The information on the guidelines could be found on
the State and the Town website. The Town staff was determining what steps needed to be taken
for reopening town locations. The Kelley Library was developing a plan for curbside pick-up and
drop-off. They would communicate the plan to residents once it was established. The Memorial
Day services had been cancelled. Chief Best gave the numbers for Salem with 100 active cases
out of 191 positive tests. There were 133 deaths in NH. There was an increase of 116 cases in
Rockingham County over the past week. Residents should continue to stay at home unless
necessary. The Fire Department did 90 runs again this week with over 50% of the calls occurring
simultaneously. They have sufficient PPE for now but were working on ensuring the long-term
supplies. People should call for medical help in an emergency. He said thank you to the staff and
the community for their continued support.

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Deputy Police Chief Joel Dolan covered the re-opening of the Mall today which was open from
11 AM to 7 PM. 99% of the visitors to the Mall were wearing masks. Mall employees, security
officers, and the Mall tenants were required to wear masks. He covered the re-opening on the
golf course side of things too. The Police Department had an uptick on daytime burglaries. They
had caught the culprit for a couple of the burglaries. Deputy Chief Dolan felt that as the economy

1 declined, they would see more thefts occurring. He stated that this was National Police Week and
2 covered what had happened in previous years. They had done a memorial ceremony on the
3 Thursday of National Police Week. The plan was to broadcast the ceremony this year to maintain
4 social distancing guidelines instead of having people attend. He asked for permission to read the
5 usual proclamation from the Board of Selectmen during the ceremony even though the Board
6 was not able to sign it as they had in the past.

7
8 Chairman Lyons stated that since there was no objection by Board members, Deputy Chief
9 Dolan was good to go on the proclamation.

10
11 Deputy Chief Dolan stated that they had a recruit recently graduate from the Police Academy
12 which he wanted to congratulate the officer for finishing first in his class.

13
14 Brian Lockard, Health Officer, spoke about the re-opening of businesses. He would be focusing
15 his attention on the restaurants to make sure they complied with the COVID-19 restrictions and
16 with patron safety. The State was continuing to respond to virus outbreaks and increase testing.
17 Hospitalizations were going down. Hopefully a vaccine will be developed by the end of year.
18 The State could ramp up resources and restrictions if needed due to a surge. The low death rate
19 and increased testing of people of all ages has led to more businesses being allowed to reopen.
20 The State did more testing of nursing homes and long-term care facilities and found low
21 infection rates overall.

22
23 Manager Dillon spoke about the efforts at Town Hall to prepare for re-opening. The goal was for
24 June 1st. They were working on putting up some protective barriers in the public-facing areas.
25 They were in discussions as to the best way to process the different transactions once the Town
26 Hall re-opened. They were marking off areas for six-foot distancing and looking at different
27 doors for in and out for the downstairs area. There would be a plan in place for the Board to
28 review before the Town Hall re-opened.

29
30 Selectwoman Stacey stated that she heard about a place in Salem that was not serving food using
31 a mask.

32
33 Mr. Lockard stated that they were supposed to wear a mask when serving food but it was not
34 mandatory if they could socially distance under the Governor's Order.

35
36 **2. Discussion on Proposed Enactment of Temporary Face Covering Consideration**

37 **MOTION:** by Selectman Keller

38 *Move to take the proposed Emergency Order off the table.*

39 **SECOND:** by Selectwoman Stacey

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

41 **SELECTMAN BRYANT** – **YES**

42 **SELECTMAN KELLER** – **YES**

43 **CHAIRMAN LYONS** – **YES**

44 **SELECTWOMAN WITHROW** – **YES**

45 **SELECTWOMAN STACEY** - **YES**

46 **The motion passed unanimously.**

1 Chairman Lyons stated that Selectman Keller had updated his proposal as of last Friday and then
2 it was further revised by staff today. The proposal was on the Town website. It was the version
3 they would be discussing. He proposed voting the original proposal down before moving to the
4 new proposal.

5
6 Selectman Keller offered to remove the original motion.

7
8 Chairman Lyons asked Selectman Bryant about removing second.

9
10 Selectman Bryant agreed to rescind his second.

11
12 Selectman Keller rescinded his motion.

13
14 Chairman Lyons asked Selectman Keller to present his new proposal.

15
16 Selectman Keller thanked the Board members for their input last week. He wanted to go through
17 the process and then the new proposal. Selectman Keller stated that the increase in virus cases in
18 Salem and then the number of cases in the county adjacent in Massachusetts were a concern. The
19 elderly population was the most vulnerable to the virus and that was a third of Salem's
20 population. The number of visitors swelled from Massachusetts swelled in the summer and fall
21 months in particular sometimes doubling Salem's population. There would be an influx of
22 visitors now as New Hampshire opened up and Massachusetts remained locked down. COVID-
23 19 spread most in areas where social distancing was difficult such as indoor locations. Seniors
24 and others were scared to go out. The question was how to get them comfortable to go out. When
25 they looked at the three ways to reduce the spread that were recommended which were social
26 distancing, hand washing, and wearing face covering when unable to social distance, the third
27 one was the focus. He was looking to take the CDC guidelines and make them mandatory. This
28 problem with being unable to social distance was biggest in indoor settings. It was to cover both
29 retail stores and restaurants. It was to protect everyone. Selectman Keller stated that he went to
30 two places for food pickup over the weekend and there was no wearing of masks or social
31 distancing occurring in both of those locations. Restaurants were basically covered by the State
32 but this proposal covered entering and exiting restaurants. Outdoor activities were not covered by
33 this proposal. There were people with medical conditions that could not wear masks and they
34 would be excluded. The proposal came down to wearing masks when at the grocery store and
35 other locations. Assistant Town Manager Scott had modified the language in the proposal to
36 improve it. The language reflected the description he had just presented. Selectman Keller cited
37 the RSA, RSA 147:1, that gave the Board the power to enact the Ordinance. He was still
38 recommending that they have a fine for violating the Order. The Order would be in effect under
39 the Board of Selectmen removed it or the State of Emergency ended. He mentioned Essex
40 County, the abutting county in Massachusetts, and their high number of cases as a reason to act.
41 Selectman Keller offered to make the motion to adopt the Order.

42
43 Chairman Lyons stated that he wanted to get public input next before going to the Board for
44 action. He spoke about how the public input process would work via calling in. Questions would
45 be answered after the public input was over.

1 Selectman Keller stated that the public needed to give their name and address.

2

3 Chairman Lyons explained that callers would be asked to identify themselves before they would
4 present their comments.

5

6 Dwayne English, 14 Greenwood Street, asked how much of the fine went to the Selectmen.

7

8 Chairman Lyons stated thank you for your input.

9

10 Gail Corcoran, 18 Scollay Circle, stated that she had been an advocate of wearing masks. Servers
11 at restaurants should be wearing masks because they were contaminating each other and bringing
12 it home to their families. She wanted to have the Order include restaurants as part of it.

13

14 Chairman Lyons stated thank you for your input.

15

16 Beverly Coyle, 25 Hagop Road, asked if there was an age limit on the ordinance. And if it
17 applied to teenagers.

18

19 Selectman Keller stated that it would apply to anyone over the age of two.

20

21 Ms. Coyle stated thank you.

22

23 Chairman Lyons stated thank you for your input.

24

25 Eric Karolkiewicz, 29 Old Farm Road, stated that he had been a resident for twenty-six years.

26

27 Chairman Lyons called for a recess at 7:38 PM.

28

29 Chairman Lyons called the meeting to order at 7:39 PM.

30

31 Robert Daigle, 46 Dyer Avenue, stated that anything but an N95 mask was useless. It might stop
32 something but it would not be as good.

33

34 Selectman Keller stated that they were following the CDC guidelines on masks.

35

36 Chairman Lyons stated thank you for your input.

37

38 Thomas Russell stated that he disagreed with the order and would be upset about a getting fine
39 because his 2-year-old ripped off his mask.

40

41 Chairman Lyons stated thank you for your input.

42

43 Unidentified caller stated that he did not think that they needed it. It was counter to what the
44 State and Country was doing with reopening. The use of masks was questionable especially the
45 cloth masks. He stated that they had 14 to 15% unemployment and asking people to pay a \$200
46 fine was the punishment not fitting the crime. He thought that they should leave it up to the

1 businesses. He cited Costco as an example where service was limited to only those wearing
2 masks and it should be left the business. He felt it did not fit the times.

3
4 Chairman Lyons stated thank you for your input.

5
6 Loreen Sullivan, 10 Ridgeview Avenue, stated that she felt the ordinance was an overreach and
7 infringed on personal liberty. They needed to let people decide on their own. There was no
8 agreement in the medical field about how effective the masks were. People were touching their
9 masks and then touching their face. They were touching their eyes which was another way to get
10 the virus but there was no requirement for goggles. Masks would give a false sense of security.
11 Seniors would get a false sense of security. People were struggling so a \$200 fine was an
12 overreach. It needed to be voted down.

13
14 Chairman Lyons stated thank you for your input.

15
16 Cynthia Maginniss, 91 Shadow Lake Road, stated that she saw a lot of people wearing masks
17 who were older. Masks were not a big deal to wear when people were dying. Children were
18 dying. She thought this was important to do. Seniors might not go out but children should not
19 have to die from the virus either. Masks were helpful if everyone wore them.

20
21 Chairman Lyons stated thank you for your input.

22
23 Donna Sytek, 34 Town Village Drive, stated that she wanted to talk about enforcement. She
24 asked if would it be the Police who enforced it and who would adjudicate the cases. Where
25 would the money go? It would be a good practice to wear masks and they could do it voluntary.
26 Would there be discretion in enforcement? The Board should answer those questions before
27 adopting this proposal.

28
29 Chairman Lyons stated that he made some notes. He stated thank you for your input.

30
31 Eric Foss, 59 Millville Street, stated that he did not believe this was something the Board should
32 be telling them to do. They had guidelines from the Governor.

33
34 Chairman Lyons stated thank you for your input.

35
36 Ross Cooper, 29 London Road, asked if the Police Officer would have to issue a \$200 fine to
37 someone without a mask who was just getting coffee.

38
39 Chairman Lyons stated that the Board would be taking that up later. Thank you for your input.

40
41 Jim Nason, 12 Wildwood Drive, stated that he got the masks and thought it was a great idea.

42
43 Richard Bernardi, 13 Brady Avenue, asked about the enforcement plan. He also stated that it
44 looked like some members were not paying attention.

45
46 Chairman Lyons stated thank you for your input. The Board was taking it seriously and listening

1 to the input.

2

3 Michael Smith, 56 Townsend Avenue, asked about enforcement to visitors to the town. He asked
4 how the fine would be collected from them.

5

6 Chairman Lyons stated that the enforcement provision would be discussed later. He stated thank
7 you for your input.

8

9 John Nicatra, 7 Meisner Road, stated that he had worn masks at his job for fifty years and that
10 the masks people were wearing were useless. People did not know how to wear them and took
11 them off wrong. People were smoking while wearing the masks. He asked where they would get
12 the masks. The \$200 fine was ridiculous. They would not collect the fines. People needed to
13 wear masks but it needed to be the right type. These masks did nothing but make people feel
14 good.

15

16 Chairman Lyons stated thank you for your input.

17

18 Dina Redmond, 14 Marianna Road, stated that she agreed with requiring the wearing of masks
19 because she had lost loved ones to the virus. Confined spaces were nothing to laugh about. She
20 would not support requiring masks be worn outside, but inside yes.

21

22 Chairman Lyons stated thank you for your input.

23

24 Donna Lynch, 4 Kiowa Road, asked for clarity about the regulations and if it covered the
25 outdoors.

26

27 Selectman Keller stated that the requirement was for to wear masks indoors in retail or other
28 public spaces.

29

30 Ms. Lynch stated that it just for indoor public spaces. Hopefully they addressed the enforcement
31 questions.

32

33 Chairman Lyons stated thank you for your input.

34

35 Claire Ouellette, 40 Bell Drive, asked a question about going to the DMV.

36

37 Chairman Lyons stated that she should call the Town Manager tomorrow and he would assist her
38 with that.

39

40 Anne Seed, 153 Brady Avenue, stated that she did not agree with the fine. It should be left up to
41 the people on whether or not to wear a mask. She wore one but felt it was an infringement on her
42 freedom to be fined for not wearing a mask.

43

44 Chairman Lyons stated thank you for your input.

45

46 Manuel Dasilva, 28 Catulpa Road, asked about whether the fines for not wearing masks would

1 go to the employees or if it went to the business when employees were found not wearing their
2 masks.

3
4 Selectman Keller stated that he believed it would be the business but would defer to legal
5 counsel for a definitive answer.

6
7 Chairman Lyons stated thank you for your input.

8
9 Charlie Gallo, 4 Equestrian Road, stated that he wore a mask and felt it should be his choice. He
10 asked why they felt that they should fine three-year olds and why they had more authority than
11 the Governor. Mr. Gallo asked if they were really going to fine three-year olds. It was an
12 overreach for the Board to think they can mandate fines for three-year olds.

13
14 Chairman Lyons stated thank you for your input.

15
16 Matt Lamoureux, 46 Elmwood Drive, asked if he had to wear a mask on the street.

17
18 Chairman Lyons answered no.

19
20 Mr. Lamoureux stated that it was just in the stores that he would have to wear a mask.

21
22 Chairman Lyons stated that if this passed then the answer was yes.

23
24 Jim KocZat, 6 Brian Avenue, Recreation Advisory Committee, asked if this proposal covered
25 recreation activities. Would participants need to wear face coverings?

26
27 Selectman Keller stated that the answer was yes for indoors but no for outdoor activities.

28
29 Mr. KocZat stated that he wanted the answer for his committee meeting on Wednesday.

30
31 Chairman Lyons stated thank you for your input.

32
33 Rob Harris, Bluff Street, stated that he thought it did not go far enough. He would say to those
34 people who objected that he had the right to be safe in public safes. They had the right to protect
35 people from a public health and safety standpoint. He was in favor of the order.

36
37 Chairman Lyons stated thank you for your input.

38
39 Selectman Bryant asked if they should have a Board discussion to give their opinions so the
40 callers knew where the Board stood on the proposal. It might reduce the number of calls if
41 people had that information.

42
43 Chairman Lyons stated that that might be a good point.

44
45 Selectman Keller suggested another ten minutes of input first.

46

1 Selectman Bryant stated that he did not disagree with taking public comment. If the callers knew
2 where the Board stood on the proposal then calls might slow down.

3
4 Chairman Lyons asked the Board members about doing ten more minutes and heard no objection
5 to that idea.

6
7 Shawn Devine, 1 Surrey Lane, stated that this issue was ripping the town apart and whatever
8 decision was made would continue to rip the town apart. This was not good. People were arguing
9 in parking lots. This was a power grab. The masks did not work.

10
11 Chairman Lyons stated thank you for your input.

12
13 Hamsavali Bhate 15 Ball Avenue stated that based on the calls that it affected everyone. People
14 should be given a chance to comment in writing and not just a few minutes of time now.

15
16 Chairman Lyons stated thank you for your input.

17
18 Samantha Larosa, 6 Ballard Lane, asked if children would be required masks at day care centers

19
20 Selectman Keller stated that it would apply if there was no social distancing.

21
22 Ms. Larosa spoke about what her child's childcare center was doing and that masks were more of
23 an issue than a help for young children.

24
25 Chairman Lyons stated thank you for your input.

26
27 Colleen Rafferty, 157 Brady Avenue, stated that the outdoor concern was addressed but how did
28 they address medical issues. What was needed to prove that people could not wear masks due to
29 medical issues. She felt it should be left to the businesses to decide on requiring masks.

30
31 Chairman Lyons stated thank you for your input.

32
33 Melissa Szymansky, 27 Ticklefancy Lane, stated that she opposed this. It should be freedom of
34 choice. There was lots of data supporting not wearing masks. She asked why they were not
35 following the Governor's guidelines

36
37 Chairman Lyons stated thank you for your input.

38
39 David Connelly, 9 Hawk Drive, stated that he feared that there would be violence if masks were
40 required. People would get hurt for being mask shamed. The other point he had was what would
41 happen if the fine was not paid.

42
43 Chairman Lyons stated thank you for your input.

44
45 Mark Hillner, 12 Old Coach Road, stated that the driving force behind this was the border and
46 they should follow what Massachusetts was doing because they were a risk.

1 Chairman Lyons stated thank you for your input.

2
3 Jim Nason stated that he asked if people were walking to their vehicles if they would be fined.

4
5 Chairman Lyons stated that the proposal did not cover not outside.

6
7 4 Hemlock Lane stated that she sent in e-mail on the last version. She wanted more clarity about
8 outside public areas.

9
10 Keller – order focused on indoor activities.

11
12 Christina Chalifour, 4 Hemlock Lane, asked about the outside public spaces.

13
14 Selectman Keller stated that the intent was to be focused on indoor activities.

15
16 Ms. Chalifour stated that the Farmers' Market would not be covered by this then.

17
18 Chairman Lyons stated that the intent was to cover inside not outside activities like the market.

19 Chairman Lyons stated thank you for your input.

20
21 Everett McBride, 66 Millville Street, stated that the \$200 fine was outrageous. It would take
22 away from other things that the Town needed to do. He saw people wearing masks when he was
23 out around town. They needed to look at the budget shortfall instead.

24
25 Chairman Lyons stated thank you for your input. He stated that was it for public comment.

26
27 Selectman Bryant stated that he was not in support of this proposal mainly because he did not
28 think it was enforceable. The Board could pass an ordinance and the Town Manager could
29 request that the Chief enforce it. With the Governor not fining people for not complying with his
30 orders, he did not see that this would be successful. Selectman Bryant stated that after speaking
31 with Town Prosecutor, he believed that the Prosecutor would not bring the cases forward.

32 Money would not be collected from the fines. Massachusetts residents would ignore it because it
33 was not enforceable in Massachusetts. The Town would have ways to collect fines from
34 residents. It was the businesses' job to protect people. The issues raised were the fines and
35 restaurants. He wanted to contact the restaurants about the State guidelines on wearing masks
36 and gloves. Selectman Bryant stated that he did not want to push it down the road either.

37
38 Selectwoman Withrow stated that she wore a mask when out even though there was conflicting
39 evidence about masks. She was not in support of this proposal. It should be up to the businesses.
40 People would leave town and ignore it. It would only punish Salem residents but they were not
41 the main problem. She saw very few people without masks when around town. It was not
42 ordered at the Federal and State levels so it should not be ordered at the local level either.

43
44 Selectwoman Stacey stated that she did not support the proposal to begin with and would not
45 support something she just received this evening. She wore a mask to protect herself and others
46 and most people wore them in the stores. The problem was not just Massachusetts residents not

1 wearing them. New Hampshire residents were not wearing masks either. She felt that they should
2 follow what the Governor was doing. It should be up to the business. She was surprised to hear
3 that the prosecutor would not prosecute.

4
5 Chairman Lyons stated that there was no motion so the Board could just adjourn as there was no
6 other business. The calls had died once the Board members started giving their opinions and
7 there were no more callers on the line.

8
9 Selectman Keller thanked everyone for commenting and listening. He respected their opinions.

10
11 Selectman Bryant stated that people were interested in this as the call volume showed.

12
13 **3. Upcoming Meetings**

- 14 • May 18, 2020
- 15 • June 1, 2020
- 16 • June 15, 2020

17
18 **ADJOURNMENT AT 8:31 P.M.**

19 **MOTION:** by Selectman Keller

20 ***Move to adjourn at 8:31 PM.***

21 **SECOND:** by Selectman Bryant

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

23 **SELECTMAN BRYANT – YES**

24 **SELECTMAN LYONS – YES**

25 **CHAIRMAN KELLER – YES**

26 **SELECTWOMAN WITHROW – YES**

27 **SELECTWOMAN STACEY - YES**

28 **The motion passed unanimously.**

29
30 Notes/minutes taken by: Jeremiah Lamson

31
32 Approved: Board of Selectmen

33
34 Date Approved: June 1, 2020