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**MINUTES OF THE
BOARD OF SELECTMEN**

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**Regular Meeting of
January 17, 2023**

10 The Board of Selectmen held a meeting on Tuesday, January 17, 2023 at the Media Center at
11 Salem High School Salem, NH.

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16 **PRESENT:** Chairman Cathy Stacey, Selectman Michael J. Lyons, Selectman Jim Keller,
17 Selectman Robert Bryant, Selectman Keith Stramaglia, and Chris Dillon (Town Manager).

18
19

20 **CALL TO ORDER:**

21 Chairman Stacey began by calling the meeting to order at 6:00 p.m.

22
23

24 **1. Pledge of Allegiance**

25 Chairman Stacey led the Board of Selectmen in the Pledge of Allegiance.

26
27

28 **2. Meeting Minutes:**

29 **MOTION:** by Selectman Stramaglia

30 *Move to approve the Board of Selectmen Non-Public Session Meeting Minutes from
31 November 14, 2022.*

32 **SECOND:** by Selectman Bryant

33 **VOTE:** 5-0-0

34 **The motion passed unanimously.**

35
36

37 **3. Chairman Comments:**

38 None.

39
40

41 **4. Receive and Vote on Citizen Petition Warrant Articles**

42 Manager Dillon stated that the first item was for the Board to receive citizen petitions. There
43 were four citizen petitions that were received, two of which were from the Kelley Library, one
44 from Isaiah 58, and one for hand counting of ballots. The first citizen petition Warrant Article
45 was numbered Article 19 from the Kelley Library. The Library was looking for funds to replace
46 the boiler at the Library.

Kathleen Norton, Chair Kelley Library Trustees, stated that they were there to answer any
questions.

MOTION: by Selectman Lyons

*Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with
recommendation:*

*By Petition: Shall the Town vote to raise and appropriate a sum of Sixty-Five Thousand Six
Hundred Forty-Nine Dollars (\$65,649), such sum representing additional funds to be added to
the Kelley Library Building Capital Reserve Fund?*

SECOND: by Selectman Keller

1 Chairman Stacey stated that she heard the Budget Committee discussion on this Warrant Article
2 the other night.

3 **VOTE:** 5-0-0

4 **The motion passed unanimously.**

5
6 Manager Dillon stated that the next petition was a restoration article for the Library Budget.

7
8 **MOTION:** by Selectman Lyons

9 *Move to receive and forward the following petition to the 2023 Town Meeting Warrant/Ballot*
10 *WITH recommendation:*

11 *By Petition: Shall the Town vote to raise and appropriate a sum of Thirty-Two Thousand*
12 *Four Hundred Seventeen Dollars (\$32,417) to maintain library services at current or similar*
13 *levels in addition to those funds included in the General Fund operation budget?*

14 **SECOND:** by Selectman Keller

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

16 **The motion passed unanimously.**

17
18 Manager Dillon stated that next was a petition from Isaiah 58.

19
20 Greg Davis, Isaiah 58, stated that he was standing in for the person who was supposed to be here.
21 They gave a presentation at the Budget Committee.

22
23 Selectman Lyons stated that he was familiar with their work and appreciated the work that they
24 did.

25
26 **MOTION:** by Selectman Lyons

27 *Move to receive and forward the following petition to the 2023 Town Meeting Warrant/Ballot*
28 *WITH recommendation:*

29 *By Petition: Shall the Town vote to allocate \$5,000 to Isaiah 58 New Hampshire for the purpose*
30 *of providing assistance for housing and support services to individuals and families in need of*
31 *assistance?*

32 **SECOND:** by Selectman Keller

33
34 Chairman Stacey stated that they got \$7,500 in funding from the County. She asked what
35 paperwork was required to be done in order for them to get funding.

36
37 Manager Dillon stated that Human Services required quarterly report statements in order to get
38 the disbursement of funds and tax information from the agency.

39
40 Chairman Stacey asked when they last received financial information from Isaiah 58.

41
42 Manager Dillon stated that the last tax return information received was from 2020.

43
44 Chairman Stacey asked if they still got the funding if this was passed even if they did not meet
45 the requirement. They needed to follow the requirements.

1 Manager Dillon stated that they would require the financial information if the funding was
2 approved. If the information was not supplied, then the staff would bring the issue to the Board
3 of Selectmen.

4
5 Mr. Davis stated that Isaiah 58 would provide the information that the Town was looking for.

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

8 **The motion passed unanimously.**

9
10 Manager Dillon stated that the next petition was similar to last year's petition to require the hand
11 counting of ballots.

12
13 Jamie Thornock, 5 Brookdale Road, stated that she was here to answer any questions regarding
14 the petition. They did not anticipate any costs other than those for a normal election.

15
16 Selectman Lyons asked what problem they were fixing with this petition. It was the same
17 question he asked regarding the proposed Charter.

18
19 Ms. Thornock stated that they were fixing the issue of putting efficiency of counting votes over
20 voter confidence in that process. She stated that 43% of residents did not feel comfortable with
21 the system that they were using.

22
23 Selectman Lyons stated that he was not convinced there was a problem. The Moderator was
24 opposed to this petition, and it would add costs to the town.

25
26 **MOTION:** by Selectman Lyons

27 ***Move to receive and forward the following petition to the 2023 Town Meeting Warrant/Ballot***
28 ***WITHOUT recommendation:***

29 ***By Petition: Shall the Town vote to adopt the following provisions pertaining to elections:***
30 ***Any and all town or school board regular or special election voting shall be by paper ballot***
31 ***only and all ballots shall be hand counted. The use of any and all electronic ballot counting***
32 ***devices shall immediately cease and are prohibited for all voting purposes. This removes any***
33 ***and all perceived or actual authority under RSA 656:40 for selectmen or any other governing***
34 ***body of the Town of Salem, NH to approve on a trial or permanent basis the leasing, use or***
35 ***experimentation of any electronic ballot counting devices.***

36 **SECOND:** by Selectman Keller

37 **VOTE: 5-0-0**

38 **The motion passed unanimously.**

39
40 **5. Public Hearing and Vote on Clean Water State Revolving Fund (CWSRF) Loan/Note**
41 **Warrant Article - Sewer Rehabilitation Planning - \$100,000**

42 Chairman Stacey opened the Public Hearing at 6:12 PM.

43
44 Manager Dillon stated that this was a loan, but it was treated as a bond. Voters would vote on it
45 in March. This loan was for additional I&I work. It was similar to what was done in the past with
46 other CWSRF loans.

1 Chairman Stacey asked if there was any public comment. There was none.

2
3 **MOTION:** by Selectman Lyons

4 ***Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with***
5 ***recommendation:***

6 ***Shall the Town vote to raise and appropriate the sum of One Hundred Thousand Dollars***
7 ***(\$100,000) for the purpose of wastewater planning work relative to infiltration/inflow***
8 ***evaluations and sewer rehabilitation of the municipal sewer system and to authorize the***
9 ***issuance of not more than \$100,000 of bonds or notes in accordance with the provisions of the***
10 ***Municipal Finance Act (RSA 33), and to authorize the Selectmen to issue and negotiate such***
11 ***bonds or notes and to determine the rate of interest thereon, and to further authorize the***
12 ***Selectmen to offset a portion of said appropriation by applying for a Clean Water State***
13 ***Revolving Fund (CWSRF) loan, it being understood that repayment of the loan may include***
14 ***up to 100% principal forgiveness. This project is contingent upon approval of a CWSRF loan***
15 ***application. (Requires a 3/5 ballot vote.)***

16 **SECOND:** by Selectman Keller

17 **VOTE:** 5-0-0

18 **The motion passed unanimously.**

19
20 Chairman Stacey closed the Public Hearing closed at 6:14 PM.

21
22 **6. Finalize/Vote on 2023 Warrant Articles**

23 Manager Dillon stated that he had a couple of items for consideration. The first question was if
24 the Board of Selectmen wanted to make a recommendation on the Charter. It was not required.
25 The other question was about the restoration articles. There was discussion at the Budget
26 Committee about the usage of the fund balance for those articles. It was only in the background
27 of the Warrant Article and not in the text. Although this Board would follow through on that, if
28 the Charter passed the Board makeup could be different. Manager Dillon was recommending that
29 they revisit the language to put the fund balance usage into the Warrant Article text. He stated
30 that there was language in the proposed Charter about the Ethics Committee having the ability to
31 hear complaints involving Town employees. He reached out to legal counsel and they agreed that
32 there was a conflict in that provision with Town Manager Statute. Manager Dillon spoke about
33 the review process done by Legal Counsel with the Charter Commission and then the review
34 done by the Attorney General's Office. Legal Counsel reached out to the Attorney General's
35 Office for more specifics but did not hear back.

36
37 Chairman Stacey stated that the Attorney General's Office sent the Charter forward to be voted
38 upon by the town.

39
40 Manager Dillon answered yes.

41
42 Selectman Lyons asked about whether or not the Charter retained the ability of voters to increase
43 the Operating Budget at Deliberative Session.

44
45 Manager Dillon stated he did not know offhand.

1 Selectman Lyons stated that he loved idea of the Ethics Committee but it should not cover Town
2 employees. It was a red flag that it was in there.

3
4 Donna Loranger, Charter Commission Member, stated that the Ethics Committee was supposed
5 to be for the members of the Town's Boards and Committees. They had unions and they could
6 not interfere with those contracts.

7
8 Selectman Lyons stated that he agreed with that but that was not what the language said.

9
10 Ms. Loranger stated that it was for Boards and Committees only. They had a lengthy discussion
11 that it could not include employees. It may have been a cut and paste issue.

12
13 Selectman Lyons asked if her recollection of the matter was different than what it actually said in
14 the Charter.

15
16 Ms. Loranger stated that the rules of the Ethics Committee were to be put forward by the Town
17 Council.

18
19 Selectman Lyons stated that the presentation last week stated that the Ethics Committee made
20 their own rules. His concern was about the Ethics Committee and Town employees.

21
22 Ms. Loranger stated that Charter Commission Chairman Campbell did not have the actual
23 Charter language in front of him when he was speaking.

24
25 Chairman Stacey asked who drafted the wording for the Warrant Article.

26
27 Manager Dillon stated that the top was set by law. The summary was drafted by Legal Counsel
28 from the Charter Commission's report.

29
30 Chairman Stacey stated okay.

31
32 Selectman Lyons asked about Town Meeting authority and if it remained the same.

33
34 Mr. Devine stated that the Charter was not changing the ability of voters to increase the budget at
35 Deliberative Session. The Ethics section clearly stated that it covered Town employees.

36
37 **MOTION:** by Selectman Lyons

38 ***Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot***
39 ***WITHOUT recommendation:***

40
41 ***Article 2 - Approve Charter as Recommended by Charter Commission***

42
43 ***Shall the Town approve the charter recommended by the Charter Commission? (Requires a***
44 ***3/5 Ballot Vote)***

1 *Summary in Accordance with RSA 49-B:6, I: Salem currently operates with an Official Ballot*
2 *Town Meeting, with a Board of Selectmen of five members. The Charter proposes an Official*
3 *Ballot Town Council with a Town Council of nine members. The Charter proposes an Official*
4 *Ballot Town Council, according to RSA 49-D:3, I-a. The Charter provides that the matters*
5 *reserved for the official ballot are the town budget, bond articles, transfer of property, charter*
6 *amendments, salaries of councilors and similar items. Zoning amendments and other business*
7 *is left to the legislative authority of the Council. In addition, the Charter establishes a formal*
8 *Ethics Committee, and provides for a process to investigate Ethics Complaints made against*
9 *members of town boards, town employees and town officials. The Charter also formally*
10 *establishes requirements for communications with the citizens of the town, requiring*
11 *notification of citizens about upcoming municipal elections, and where to find information*
12 *pertaining to that election.*

13 **SECOND:** by Selectman Keller

14
15 Selectman Bryant asked if this was finalized or if they could change the language.

16
17 Manager Dillon stated that he did not believe they could change the language, but he would
18 check.

19
20 Selectman Bryant asked about taking out the language regarding Town employees from the
21 Ethics Committee section.

22
23 Manager Dillon stated that they could not do that now.

24
25 Chairman Stacey stated that they could amend it in the future.

26
27 Selectman Lyons stated that the Town Council could propose an amendment for the following
28 March.

29
30 Selectman Keller stated that they could choose not to amend it as well.

31
32 Selectman Bryant stated that they could just stay away from Town employees with the Ethics
33 Committee.

34
35 Mr. Devine stated that the Attorney General sent it back with approval. If amended, then it
36 would have to go back to the Attorney General's Office for a new approval.

37
38 Selectman Lyons stated that he would have to review the tapes to see what was discussed by the
39 Charter Commission. The second concern he had was the nine members and the explanation was
40 to address a minor issue to him. The third concern was putting Zoning in the hands of the Town
41 Council. Those decisions could impact millions of dollars and should be before the voters. That
42 was his concerns.

43
44 **VOTE:** 2-3-0

45 **The motion failed with Selectman Keller and Selectman Lyons in favor.**

46

1 **MOTION:** by Selectman Bryant

2 *Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot WITH*
3 *recommendation:*

4
5 *Article 2 - Approve Charter as Recommended by Charter Commission*

6
7 *Shall the Town approve the charter recommended by the Charter Commission? (Requires a*
8 *3/5 Ballot Vote)*

9
10 *Summary in Accordance with RSA 49-B:6, I: Salem currently operates with an Official Ballot*
11 *Town Meeting, with a Board of Selectmen of five members. The Charter proposes an Official*
12 *Ballot Town Council with a Town Council of nine members. The Charter proposes an Official*
13 *Ballot Town Council, according to RSA 49-D:3, I-a. The Charter provides that the matters*
14 *reserved for the official ballot are the town budget, bond articles, transfer of property, charter*
15 *amendments, salaries of councilors and similar items. Zoning amendments and other business*
16 *is left to the legislative authority of the Council. In addition, the Charter establishes a formal*
17 *Ethics Committee, and provides for a process to investigate Ethics Complaints made against*
18 *members of town boards, town employees and town officials. The Charter also formally*
19 *establishes requirements for communications with the citizens of the town, requiring*
20 *notification of citizens about upcoming municipal elections, and where to find information*
21 *pertaining to that election.*

22 **SECOND:** by Selectman Stramaglia

23 **VOTE:** 3-2-0

24 **The motion passed with Selectman Keller and Selectman Lyons opposed.**

25
26 Manager Dillon stated that he would present modified articles with fund balance. They should
27 first rescind the votes.

28
29 **MOTION:** by Selectman Bryant

30 *Move to rescind the vote on the following warrant articles due to proposed language changes:*

- 31 • *Article 5 (General Operations and Recreation Restoration)*
- 32 • *Article 6 (Police Restoration)*
- 33 • *Article 7 (Fire Restoration)*
- 34 • *Article 8 (Transfer Station Restoration)*
- 35 • *Article 9 (Purchase Turf Mowers)*
- 36 • *Article 10 (District Court House Roof)*
- 37 • *Article 11 (Purchase Fire Engine Pumper)*
- 38 • *Article 12 (Winter Weather Operations)*
- 39 • *Article 16 (OPEB Trust Fund)*

40 **SECOND:** by Selectman Lyons

41
42 Selectman Keller asked what happened if they got money from somewhere else. He stated that
43 the Warrant Article was written for the Board to be able to accept money from other sources.
44 Selectman Keller asked what happened if they got a check from the State or the Federal
45 Government. He wanted to know if they were limiting themselves by changing this language.

1 Ms. McGee stated that if they specified the amount from fund balance then they had to use fund
2 balance to pay for it.

3
4 Selectman Keller stated that if they did not have to use fund balance then he would rather would
5 not do it. He asked why they would limit themselves.

6
7 Manager Dillon stated that the change was moving the language from the background to the text
8 of the Warrant Article.

9
10 Chairman Stacey stated that the concern was that DRA would look at taxing them on the full
11 amount instead of the lesser amount.

12
13 Ms. McGee stated that they had the option to use more or less fund balance when the tax rate set.
14 That was what they would do if the language about fund balance usage was not in the text of the
15 Warrant Article. There was nothing that forced them to use the fund balance.

16
17 Chairman Stacey stated that they were not forced to use the fund balance at that time.

18
19 Ms. McGee stated that was correct.

20
21 Chairman Stacey asked what would prevent the Town from not using the fund balance if it was
22 not in the Warrant Article.

23
24 Ms. McGee answered nothing.

25
26 Chairman Stacey stated that that was the concern that was raised.

27
28 Selectman Lyons stated that they gave estimates. They could change their mind. It had not
29 happened, but it could. He stated that to Selectman Keller's point it probably did not matter
30 because if they got an unexpected check then it would go into the fund balance.

31
32 Ms. McGee answered yes. Unexpected revenue would go into the unreserved fund balance at the
33 end of the year.

34
35 Selectman Lyons stated that they could dip below the threshold and then recover when the
36 unexpected revenue went into the fund balance.

37 **VOTE: 5-0-0**

38 **The motion passed unanimously.**

39
40 **MOTION:** by Selectman Lyons

41 ***Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with***
42 ***recommendation:***

43 ***Shall the Town vote to raise and appropriate the sum of Three Hundred Ninety-Four***
44 ***Thousand Nine Hundred Seventy-Two Dollars (\$394,972) to maintain general government***
45 ***and recreation services at current or similar levels in addition to those funds included in the***
46 ***General Fund operation budget, with \$248,616 to come from unassigned fund balance?***

- 1 **SECOND:** by Selectman Keller
2 **VOTE:** 5-0-0
3 **The motion passed unanimously.**
4
- 5 **MOTION:** by Selectman Lyons
6 *Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with*
7 *recommendation:*
8 *Shall the Town vote to raise and appropriate the sum of Two Hundred Seventy-Five Thousand*
9 *Nine Hundred Seventy-Eight Dollars (\$275,978) to maintain police services at current or*
10 *similar levels in addition to those funds included in the General Fund operation budget, with*
11 *\$173,715 to come from unassigned fund balance?*
12 **SECOND:** by Selectman Keller
13 **VOTE:** 5-0-0
14 **The motion passed unanimously.**
15
- 16 **MOTION:** by Selectman Lyons
17 *Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with*
18 *recommendation:*
19 *Shall the Town vote to raise and appropriate the sum of Two Hundred Forty-Two Thousand*
20 *Nine Hundred Fifty-Six Dollars (\$242,956) to maintain fire services at current or similar*
21 *levels in addition to those funds included in the General Fund operation budget, with*
22 *\$152,929 to come from unassigned fund balance?*
23 **SECOND:** by Selectman Keller
24 **VOTE:** 5-0-0
25 **The motion passed unanimously.**
26
- 27 **MOTION:** by Selectman Lyons
28 *Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with*
29 *recommendation:*
30 *Shall the Town vote to raise and appropriate the sum of Seventy-Eight Thousand Three*
31 *Hundred Five Dollars (\$78,305) to maintain transfer station services at current or similar*
32 *levels in addition to those funds included in the General Fund operation budget, with \$49,289*
33 *to come from unassigned fund balance?*
34 **SECOND:** by Selectman Keller
35 **VOTE:** 5-0-0
36 **The motion passed unanimously.**
37
- 38 **MOTION:** by Selectman Lyons
39 *Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with*
40 *recommendation:*
41 *Shall the Town vote to raise and appropriate the sum of Forty Thousand Four Hundred*
42 *Thirty-Four Dollars (\$40,434) for the purpose of purchasing two (2) turf mowers for the*
43 *Public Works Division for daily operations of ground maintenance at Town facilities, parks,*
44 *properties, and cemeteries, with \$25,451 to come from unassigned fund balance?*
45 **SECOND:** by Selectman Keller
46 **VOTE:** 5-0-0

1 **The motion passed unanimously.**

2
3 **MOTION:** by Selectman Lyons

4 *Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with*
5 *recommendation:*

6 *Shall the Town vote to raise and appropriate the sum of Five Hundred Thirty-Six Thousand*
7 *Eight Hundred Fifty Dollars (\$536,850) for the replacement of and improvements to the Roof*
8 *at the Salem District Court House located at 35 Geremonty Drive, Salem, NH, with \$536,850*
9 *to come from unassigned fund balance?*

10 **SECOND:** by Selectman Keller

11 **VOTE:** 5-0-0

12 **The motion passed unanimously.**

13
14 **MOTION:** by Selectman Lyons

15 *Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with*
16 *recommendation:*

17 *Shall the Town vote to raise and appropriate the sum of Nine Hundred Forty-Five Thousand*
18 *Ninety-Six Dollars (\$945,096) to purchase a Fire Engine-Pumper and related equipment for*
19 *the Fire Department, with \$747,885 to come from unassigned fund balance and \$197,211 to*
20 *come from public safety impact fees?*

21 **SECOND:** by Selectman Keller

22 **VOTE:** 5-0-0

23 **The motion passed unanimously.**

24
25 **MOTION:** by Selectman Lyons

26 *Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with*
27 *recommendation:*

28 *Shall the Town vote to raise and appropriate the sum of Three Hundred Seventy-Five*
29 *Thousand Dollars (\$375,000) to be placed in the Snow Expendable Trust Fund previously*
30 *established in 1998 for the purpose of managing winter weather, including but not limited to*
31 *plowing and removing snow, sanding and chemically treating streets, and otherwise*
32 *responding to hazardous road conditions related to winter weather, with \$200,000 to come*
33 *from unassigned fund balance?*

34 **SECOND:** by Selectman Keller

35 **VOTE:** 5-0-0

36 **The motion passed unanimously.**

37
38 **MOTION:** by Selectman Lyons

39 *Move to forward the following article to the 2023 annual Town Meeting Warrant/Ballot with*
40 *recommendation:*

41 *Shall the Town vote to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) to*
42 *be placed in the Other Post-Employment Benefits (OPEB) Trust Fund, previously established*
43 *in accordance with New Hampshire RSA Chapter 31:19-c for the purpose of paying for other*
44 *post-employment benefits to employees and their beneficiaries after their termination of*
45 *service as provided in the law and administrative expenses, with \$40,000 to come from*
46 *unassigned fund balance, \$5,000 from the sewer fund, and \$5,000 from the water fund?*

1 **SECOND:** by Selectman Keller

2 **VOTE:** 5-0-0

3 **The motion passed unanimously.**

4

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

6 Manager Dillon thanked the Board for their work on this. The Budget Committee would take the
7 Warrant Articles up at 7 PM.

8

9 Selectman Lyons recommended putting on the Agenda a discussion about the water/sewer rates
10 and the Transfer Station rates.

11

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

13

14 **9. Additions and/or Requests by Public or Board by Vote:**

15

16 **10. Upcoming Meetings**

17

- January 23, 2023
- February 4, 2023 (Deliberative Session)
- February 6, 2023
- February 27, 2023

18

19

20

21

22 **ADJOURNMENT AT 6:43 P.M.**

23 **MOTION:** by Selectman Lyons

24 *Move to adjourn at 6:43 PM.*

25 **SECOND:** by Selectman Keller

26 **VOTE:** 5-0-0

27 **The motion passed unanimously.**

28

29 Notes/minutes taken by: Jeremiah Lamson

30

31 Approved: Board of Selectmen

32

33 Date Approved: February 6, 2023