



# Salisbury Board of Selectmen

## Meeting Minutes

May 4, 2022

**Approved**

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Selectman Brett Walker, Chair	Present
Selectman John W. Herbert	Present
Selectman Jim Hoyt	Present
Town Administrator April Rollins	Excused
Municipal Assistant Kimberley Edelmann	Present

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**Attendees:** Several citizens attended the meeting in person at Academy Hall; a few people attended via Zoom.

### 1) Open Meeting

Chairman Brett Walker opened the meeting at 7:00 pm.

### 2) Meeting Minutes

Chairman Walker made a **motion** to approve the minutes of April 8, 2022 and the minutes of April 20, 2022 with one minor correction. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

### 3) Signatures

Chairman Walker noted that the Selectboard had reviewed and signed Accounts Payable & Payroll Registers. They also reviewed the following, signing as required:

- ◆ Right of Interment – Richard & Mary Hattan
- ◆ Timber Yield Tax for Tax Map 237, Lot 3.1
- ◆ Timber Intents for Tax Map 219, Lot 25 (supplemental) and Tax Map 240, Lots 30 & 35
- ◆ Intent to Excavate for Tax Map 219, Lot 43
- ◆ Abatement for Tax Map 249, Lot 11 – Request approved
- ◆ Abatement for Tax Map 236, Lot 6.3 – Selectman Herbert noted that the abatement request was in regards to 2020 taxes and that the abatement request did not meet the deadline of March 1, 2021. Tax Collector Gayle Landry added that the Selectboard normally did not do approve requests after the deadline, adding that the Selectboard still needed to review the request and approve or deny. Chairman Walker stated he was not inclined to support retroactive abatements. Selectman Hoyt agreed. Chairman Walker made a **motion** to deny the abatement request. Selectman Herbert **seconded**. The **motion passed** with all in favor.

All documents are available for public inspection.

#### **4) Public Hearing – Class VI Road Application / Municipal Liability Waiver for Tax Map 247, Lot 6**

Chairman Walker opened the Public Hearing at 7:06 pm to discuss a request for "Agreement & Notice of Limits of Municipal Responsibility and Liability" that had been received for a property located on Robie Road (Map 247, Lot 6) owned by Bradley Weyant & Alice Ogden. The applicants were requesting a building permit for a “warming hut / shelter”. He invited the applicants to speak about their request.

Ms. Ogden thanked everyone for the support they had been offered. She recognized that they were at fault in not obtaining a building permit. They had no idea a building permit was needed for her son to build the structure. She said they appreciated being given the option of not having to tear it down.

Chairman Walker said the Town Attorney stated that the Selectboard could approve the structure as a secondary use building on the property with the understanding that it was not for human habitation. As a secondary use building, it would not require that the owners improve the condition of the Class VI road.

Fire Chief Bill MacDuffie, Jr. stated that the owners needed to understand that fire apparatus was not going to be able to get to the structure. Chairman Walker noted that the liability waiver would address that.

Chairman Walker asked if there were any public comments. There were none.

Chairman Walker made a **motion** to accept the "Agreement & Notice of Limits of Municipal Responsibility and Liability" and to refer it to the Planning Board for their review. Selectman Herbert **seconded**. The **motion passed** with all in favor.

Chairman Walker made a motion to close the Public Hearing. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

The Public Hearing was closed at 7:12 pm

#### **5) Department / Board / Committee Reports**

##### **a. Fire Chief / Road Agent**

Fire Chief / Road Agent Bill MacDuffie, Jr. had nothing new to report.

##### **b. Transfer Station**

Transfer Station Manager Bert LaFlamme reported that an employee had left the team. He had another potential employee lined up. He also reported that they were now requiring display of valid Transfer Station Stickers. He recently had a few people show up at the Transfer Station without them.

Chairman Walker reported that the new generator was in place and being tested. The final invoice from Generator Connections for the installation was \$15,700, which was the balance due. \$7,000 deposit had already been paid. Chairman Walker made a **motion** to approve the invoice and forward it to the Trustees of the Trust Funds for payment. Selectman Herbert **seconded**. The **motion passed** with all in favor.

Chairman Walker noted that the invoice from Generator Connections for the installation of conduit, discussed at an earlier meeting, was adjusted down to \$1,043 after he spoke with the vendor. He made a **motion** to approve the invoice and forward it to the Trustees of the Trust Funds for payment. Selectman Herbert **seconded**. The **motion**

**passed** with all in favor.

Chairman Walker said he had learned more about the Concord Regional Solid Waste / Resource Recovery Cooperative and the role of Joint Board Representatives. He was willing to accept that role representing Salisbury. Selectman Herbert made a **motion** to appoint Chairman Walker to that role. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

#### **c. Conservation Commission**

Bill MacDuffie, Jr. noted that there were no updates that he was aware of.

#### **d. Planning Board**

Selectman Herbert reported that the Planning Board learned what surrounding Towns had in regards to noise ordinances. He said Andover did have one which he felt looked pretty complete. However, the Planning Board was not supportive of moving forward with a noise ordinance. It died from lack of interest.

Selectman Herbert also reported that Al Romano had visited the Planning Board to discuss the Rose property and the Old Center Rangeway which was an extension of Loverin Hill Road. Chuck Rose wanted to make Old Center Rangeway a Class VI road and Mr. Romano was opposed to that. No action was taken by the Planning Board. He believed the Old Center Rangeway had been discontinued in 1976.

The Chairman Walker interrupted, reminding everyone that the topic was going to be discussed in a Public Hearing on May 18, 2022. He advised that it would be inappropriate to discuss the topic further until then.

### **6) New Business**

#### **a. Recreation Committee - Batting Cage Purchase**

Chairman Walker noted that the Recreation Committee was in the process of purchasing a batting cage for \$1,699.55 using Capital Reserve Fund (CRF) money. The majority of those funds came from a targeted donation to that fund from Joan Young in the amount of \$1,500.

Chairman Walker made a **motion** to accept the invoice from Batting Cage, Inc and to forward it to the Trustees of the Trust Funds for payment. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

### **7) Old Business**

#### **a. Land Purchase - Highway Department**

Chairman Walker said they had looked at a property behind the recreation fields and cemetery for a possible purchase by the Town.

Chairman Walker reported that he had reached out to the Department of Revenue Administration (DRA) regarding expending funds from the Land Acquisition CRF. The DRA confirmed that a Town Meeting was required to make a purchase as the Town had not adopted RSA 41:14-a.

Chairman Walker explained that to hold a Special Town Meeting that involved a new expenditure, approval from the NH Superior Court was needed. However, they did not need that approval to hold a Special Town Meeting to discuss a non-monetary warrant, in this case adoption of RSA 41:14-a. He wanted to confirm that with the Town's legal counsel and asked the other Selectmen for their approval for him to do that. He added that he had also sent a

request for information from the NH Municipal Association (NHMA) lawyers and was awaiting their response.

Tricia Thompson asked if the Selectboard had already decided to purchase the land. Chairman Walker stated they had not. She asked why legal advice was being sought. Chairman Walker said the Selectboard wanted to be sure whether they had the right to purchase the land or not. He added that it was a good property that the Town would benefit by owning whether for a Highway Department or to expand the Park.

Ms. Thompson said she also had reached out to the DRA. She was told the same things Chairman Walker had been told. She felt that the priority was the Highway Department. She questioned using lawyers to research the process. Ms. Thompson felt the information about the process was free. Chairman Walker noted that the Town's DRA representative advised he reach out to the Town's attorney for their advice as DRA does not provide legal opinions.

Another member of the public asked why the Board did not want to wait until Town Meeting. Chairman Walker stressed that his concern was that the opportunity might not exist in March 2023, the price might increase, or there may be different owners.

It was noted that the 10 acres parcel was landlocked. It was the back 10 acres of the Call property which had frontage on Rt. 127.

Ms. Thompson did not like the idea of the Selectboard having permission to purchase property, to have it totally in the Selectmen's hands with the public having no say on it. Selectman Herbert said there was still the limitation on the money; there was no money in the budget to purchase land. The only way to purchase that land for \$50,000 was by using the funds available in the CRF. If there was another property for sale for \$75,000, for example, the Selectboard would not be able to buy it.

Ms. Thompson suggested that Selectman Hoyt, as a relative of the property owner, should have nothing to do with the purchase process. If there was a new owner, that would be better. She felt the perception wasn't inappropriate.

Selectman Hoyt said he would be recusing himself in any votes.

Ms. Thompson stressed that residents did have a say in the purchase, suggesting that residents could take the Selectboard to Superior Court if they purchase land which the Town didn't approve of.

Chairman Walker expressed concern that the purchase of land had become politicized, but wasn't talking about Ms. Thompson. He said he was advised by both the DRA and the NHMA that the Town should adopt RSA 41:14-a. He said there was a CRF with Selectmen named as agents, but in reality, they were unable to use it without RSA 41:14-a being adopted. As it stood, the timing of the purchase of any property would have to be such that they could include the purchase in the warrant for a Town Meeting.

Chairman Walker said he knew a lot had been made about the fact that Selectman Hoyt was a relative of the property owner. But he also knew that Selectman Hoyt had no financial stake in it. It was because of that family connection that the opportunity to purchase the land became available. Selectman Hoyt asked the owner if they would be interested in selling a piece of property which the Town had approached the owner about in the past, the owner said yes and set a price, and Selectman Hoyt then brought it to the Board. \$50,000 for 10 acres was an extremely good buy for the Town. It was a piece of property that was in the right place. Even if not used for the Highway Department, it was behind Maplewood Cemetery. The Town originally approached the Call family about the land for the Cemetery. Back then, they said no.

Chairman Walker said he'd heard a lot of scuttlebutt that there were shady deals going on and Selectmen trying to do things behind closed doors. He knew that was the nature of politics in the Town; a lot of personal disruption and attacks instead of dealing with facts. This was a good opportunity for the Town and if the Town misses it, the Town

loses out, not anyone on the Board. Waiting until March to vote on it might have to be the path going forward. Also, a warrant article to adopt RSA 41:14-a would be voted on. If it was not approved, Chairman Walker felt the Town might as well close the Land Acquisition CRF as no land purchases would be possible except at Town Meeting.

Selectman Hoyt asked if anyone in the room felt that the 10 acres, situated where it was, for \$50,000, wasn't something the Town should own. Tricia Thompson said she felt it wasn't something the Town could afford to buy when there was a bigger need for land for something needed in the future. Selectman Hoyt said it could be used for the Highway Department. Ms. Thompson said the Town had to find something to use for the Highway Department and dedicate those funds to that.

Chairman Walker noted that the Town could pass on the 10 acres for \$50,000. He had done more research and found 5 lots of land currently for sale, all on a dirt road, which would not be an appropriate location for a Highway Department. They needed the Highway Department to be located on a paved road with easy access to the sheds.

Marcus Zuech asked if the Town could grant the Selectboard approval to purchase land solely for the Highway Department, instead of providing blanket approval.

Chairman Walker said that would require an amendment to the CRF with 2/3 approval, and that it would be messy as part of the land might be used for the Highway Department, with some used for Recreation and the Cemetery. He also felt that the phrase "Town Shed" might be better than "Highway Department", as 5 years down the road, if a contractor was selected, the Town would still need a Town Shed for storing salt and sand. MacDuffie Construction was unlikely to want the Town using their property to store those. Whether the Town decides to have a full Highway Department, with new equipment and new employees... that's still way down the road. The Selectboard was just trying to prepare for a known unknown. The Town had been told for a decade that the MacDuffies did not want to be doing roads forever, but the Town had so far failed to do anything about it until last year. Whether in 5 or 6 years, maybe sooner.... Bill MacDuffie, Sr. recently told Chairman Walker that with the price of diesel going up, the Town might need to find someone else to plow the roads sooner than that.

Chairman Walker said he was trying to prepare for what was coming down the road. Part of the property would have to be used for recreation because of the grant the Town had received. There was enough acreage to allocate some of the land to the cemetery.

Jeff Blanchard noted that there were multiple complex issues around preparing for a Highway Department. He felt the appropriate action, already proposed, would be to appoint a committee to explore the issues in an organized way.

Chairman Walker said that the Town had been discussing the idea of a Highway Department for a year. Also, the Budget Committee had been involved, as well as the Planning Board; all elected boards. He did not support the idea of establishing a non-elected board to make the decision. He said the very first thing he did when the conversation about the Highway Department started was to reach out to the people who were taking care of the roads. He asked what their time frame was and what the Town would need. He wondered what other questions a committee would answer.

A new resident in Town asked if there were more Selectmen in Salisbury. Chairman Walker pointed out that there were 3 Selectmen. Selectman Herbert noted that Chairman Walker was the Chair.

A member of the public asked what it would cost to have a full Highway Department. He also wanted to know if the Town would continue to have a Road Agent.

Chairman Walker said that was a decision the Town would have to make. Selectman Herbert added that the Road Agent was not paid anything as a Road Agent; they were paid for the work. The Town could hire a Road Agent and put him on the payroll, as an elected official. Chairman Walker said that was still down the road. He noted that a hired Road Agent could be from out of Town versus an elected one. Chairman Walker noted that figures for equipment were around \$750,000 as he described at Town Meeting, numbers provided by the Road Agent. The next biggest expense was the property. There were currently 5 building lots on Raccoon Hill Road available for prices ranging from \$16,500 to \$26,428 per acre, for an average of \$20,973 per acre. When he said \$300,000, that may have been high. He expected that an equivalent property on Rt 4 would be in the \$200,000 to \$250,000 range. Or \$50,000 if the Town were to purchase the Call parcel which was adjacent to land already owned by the Town.

Chairman Walker explained that the exact cost of moving the recreation field wasn't known, but was estimated by Bill MacDuffie, Jr. to be around \$50,000. Next, the Town would have to build a sand and salt shed. Drainage and environmental safety would also cost money. Before purchasing, assessments would be needed. A heated building to work on the trucks would be needed. The Town needed to prepare. Andover had been through it and were not prepared when the time came. They had some rough seasons.

Chairman Walker said he had heard mention of the fact that this Selectboard was doing planning that would go beyond March and that a new Selectboard could be in place then. Selectman Herbert was up for reelection in 2023 and may or may not run. Trying to do work solely within election cycles could leave the Town unprepared. He was worried that the Town was going to miss a good opportunity.

Jeff Blanchard said the work of a committee might be a 5 year process, serving the pleasure of whatever Selectboard was in place. Selectman Hoyt asked for clarification about the work of that committee, whether it was about creation of a Highway Department or purchase of land. Mr. Blanchard replied that it was about the Highway Department which he felt was most pressing and had been ignored for 10 years. He wanted to see lots of people get involved in the discussion. They would bring recommendations to the decision makers, the Selectboard.

Mr. Blanchard went back and forth regarding the creation of a "Public Works Department" and believed it required a Town Meeting vote. Selectman Herbert said until RSA 41:14-a was adopted, nothing was going to happen.

Marcus Zuech recommended that instead of putting together a committee, the Town hire could someone for \$1 to create a plan ready to present at Town Meeting. When the Town approved the land purchase, it would be furtherance of an accepted plan which would specify what was needed. Criteria of what was needed would be defined and addressed. That would address the need for assurances that some people sought.

Budget Committee Vice-Chair Marcia Murphy asked about costs. She asked if the Selectboard knew how much new buildings would cost. Chairman Walker said they didn't know that yet. She asked what it would cost to move the ball field. Chairman Walker said Bill MacDuffie, Jr. felt it would be around \$50,000. Ms. Murphy felt the need for land should be better publicized. She recommended inviting residents in to discuss it further, not necessarily as a public hearing. In terms of costs, Selectman Herbert added that the Selectboard did not know what trucks would cost in 5 years time. Selectman Hoyt added that land could cost more, too.

Chairman Walker noted that discussions had always been public. And while the Selectmen's meetings were for the Selectmen to do Town business, they also allowed the public to speak and share their views, as demonstrated during this meeting. He felt accusations that the Selectboard was not being open were unfair. Ms. Murphy said that could very well be. However, she liked the idea of an ad hoc committee. Chairman Walker said he was reluctant. Selectman Herbert said he felt a committee was not needed at the current point as nothing could be done. Ms. Murphy felt an advisory committee would be good, a group of people with different opinions providing more input. Ms. Thompson added it would look more transparent. Ms. Murphy felt that there were people in Town who knew a

Highway Department was needed and wanted to be involved. She felt they should be allowed to be involved.

Jeff Blanchard suggested that if there was a committee, some of the elected officials needed to be on it including representatives from the Budget Committee, the Conservation Commission, and the Planning Board. He believed there was amazing expertise in Town which could be tapped. A committee of 5 to 7 people could meet once a month, get input from other residents. It would just be an advisory committee that reports back to the Selectboard with opinions. It would get rid of the perception that only 3 people were making the decisions.

Ms. Thompson added that it would provide ammunition for Town Meeting of the position the Selectboard supported. The Selectboard could say that an advisory committee of people throughout the Town came up with these different ideas, and this one was the best. They would have more support at Town Meeting than not.

Marcus Zuech felt the opposite was true. The committee would have the same debates as in this meeting. They would spend a lot of time. A single person with an obligation to come up with a comprehensive proposal should address the multi-dimensional problem. Ms. Thompson asked if one person would have that expertise. Mr. Zuech said that person would seek the information from experts. Ms. Thompson felt a committee would base decisions on fact.

Lorri Collins, on Zoom (difficult to understand / volume fading in and out), asked why a committee was not the preferred approach. Chairman Walker said 3 boards have been involved in the discussions about a Highway Department; the Selectboard, the Planning Board, and the Budget Committee. She was in support of having a committee created.

#### **b. Library Building Maintenance**

Selectman Herbert asked about the library building maintenance issues. Selectman Hoyt said he hadn't looked into that yet.

### **8) Public Comment**

#### **a. Zoning Board**

Tricia Thompson noted that the Selectmen's meeting minutes of April 6 state that "the Selectboard had earlier voted to appoint Tricia Thompson as an Alternate for the ZBA, however she decided not to take the post". She said she didn't refuse the position but was advised by TA Rollins that another person was voted for as a write-in which was not reflected on the ballot results.

#### **b. Chicken Grills**

Dora Rapalyea asked Selectman Herbert about the chicken grills and asked if they were stolen.

Selectman Herbert said new grills were being made. One was taken by the man making the grills so that he could see how they were made and get measurements. One was left at the Town Hall at the ramp. That one disappeared. It was gone. Whether it was taken to the dump, no one knows.

Ms. Rapalyea felt people should know the grills belonged to the Church. She was disappointed.

Chairman Walker said something similar happened with hockey nets.

Selectman Herbert said someone was going to donate another grill.



### c. Compactor

Chairman Walker noted the delivery date was July 25. The generator was being tested May 5.

A member of the public asked if site prep was going to take place. Chairman Walker said some work was going to be done.

### d. ZBA Appointments

Marcus Zuech asked if there were vacant seats on the ZBA as he wanted to apply. Chairman Walker made a **motion** to appoint Mr. Zuech to the ZBA.

Tricia Thompson said she was pushed off that board because there was no vacancy and suddenly there was a vacancy. Chairman Walker replied that Pete Ballou had resigned recently, creating a vacancy. She asked why she had not received a phone call telling her the seat was vacant. She had been called before about it. Chairman Walker said normally people are not called; that was the Town Administrator's own decision and didn't imply that she had to make that call again. The vacancy was posted.

Chairman Walker explained that at Town Meeting, elections were held to fill 2 vacancies. There were several write-ins. The Town Clerk called people on the list, starting at the highest number of votes. Those 2 positions were filled from that pool. Then, one resignation was received after Town Meeting. At that meeting, the Selectboard was told that there was one additional seat available. So, there was an open position and a resigned position. So, the Board appointed Pete Ballou and Ms. Thompson to the ZBA on March 16. Two days later, he learned there were more candidates and that one of the appointments was invalid.

Ms. Thompson said one of the people who had votes chose to be on a different committee. Chairman Walker thanked her for reminding him of the situation. One of the people could not be on the Planning Board and ZBA at the same time.

Ms. Thompson said she had been on the Zoning Board almost 6 years. She asked to be appointed to regular member. Chairman Walker **rescinded his motion**.

Selectman Herbert made a **motion** to nominate Tricia Thompson to the ZBA position as a regular member. Chairman Walker **seconded**. The **motion passed** with all in favor.

Chairman Walker made a motion to appoint Marcus Zuech to the ZBA as an alternate member. Selectman Herbert **seconded**. The **motion passed** with all in favor.

### e. Land Owners

Gayle Landry said that at a prior meeting, she asked if other land owners would be asked if they were interested in selling property and Selectman Hoyt said he planned on doing that. She asked if that had been done. Chairman Walker said it had not.

Ms. Landry clarified that she had requested that the Selectboard reach out to land owners on Rt 127 and Rt 4, not everyone in Town, and stated that the reason she thought it was a good idea was because not everyone read the notices on the bulletin board on Academy Hall, the Town website or Facebook. She said some of the landowners didn't even live in Salisbury and might have no idea that the Town was looking for land. She felt the Selectboard had an obligation to reach out to other landowners. There may be no one interested in selling, but she felt they should try.

Chairman Walker said the search had been put in the Concord Monitor. It was also in Dee Blake's newsletter which



was mailed to all homes in Salisbury.

Kimberley Edelman suggested that maybe a little quarterly newsletter to property owners could be sent. It could cover the land search as well as other topics that the Town wanted to share.

## 9) Town Administrator's Report

### a. Computer System Upgrades

Chairman Walker said that replacement of the Town Administrator's computer was planned, however it was felt the Tax Collector's system should be upgraded instead. Also, the server needed to be upgraded. The Tax Collector's current system would be given to the Cemetery Trustees.

Chairman Walker made a **motion** to accept the quotes from Twin Rivers Office Machines. Selectman Herbert **seconded**. The **motion passed** with all in favor.

### b. Twin River Office Machines Fees

Chairman Walker reported that the hourly rate for Twin Rivers Office Machines was increasing by \$10 per hour.

### c. Academy Hall Office Lighting

Chairman Walker reported that the broken fluorescent lights in the offices had been replaced with LED lights.

## 10) Next Meeting

Chairman Walker made a **motion** to adjourn the meeting 8:40 pm. Selectman Herbert **seconded**. The **motion passed** with all in favor. The next scheduled meeting: Wednesday, May 18, at 7 pm at Academy Hall.

Respectfully Submitted,

Kimberley Brown Edelman

Recording Secretary

*These minutes were approved at the Board of Selectmen's meeting of May 18, 2022.*