



# Salisbury Board of Selectmen

## Meeting Minutes

June 15, 2022

**Approved**

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

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**Attendees:** Several citizens attended the meeting in person at Academy Hall; a few 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 June 1, 2022. Selectman Herbert **seconded**. The **motion passed**.

### 3) Signatures

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

- ◆ Intent to Cut – Tax Map 207, Lots 3,4,4.1 and 5 Tax Map 208, Lots 5 and 6 (McKenna) – Tax
- ◆ Map 233, Lot 8 (Keyser) – Tax Map 231, Lot 5 (Landry) and Tax Map 248, Lot 8 (Strouth)

All documents are available for public inspection.

### 4) Department / Board / Committee Reports

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

Fire Chief Bill MacDuffie Jr commented that during an incident earlier in the morning, 20 State Police arrived on scene within 15 minutes.

Road Agent Bill MacDuffie Jr stated that he expected to sign a contract next week for work planned for Raccoon Hill Road.

Chairman Walker asked if Road Agent MacDuffie Jr expected to raise his rates. RA MacDuffie Jr noted that he already did, increasing by a little more than 10% on average.

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

TS Manager Bert LaFlamme reported he was asked by Casella to relocate the metal pile. He was able to do so on Saturday. On Wednesday, he was able to cut the wall down. Chairman Walker noted that the only other thing to do before the compactor arrived was to move the trailer. TS Manager LaFlamme said he would work with Bill MacDuffie Jr to move it to a location that didn't interfere with plowing.

#### **c. Library Director**

New Library Director Melissa Lesniak introduced herself. She noted an increase in patronage from April to May. She said there was a Summer Program coming up. Story Time would be on Thursdays starting June 30th and would run through August. They also plan to have a Puppet Show for the children on Old Home Day. They would be having a Sheep to Fiber Program on July 30th. Every Saturday, the Friends of the Library sponsor coffee and treats. The next Saturday would feature assorted quiches and strawberry rhubarb crumble cake donated by Brambleberry Farm & Catering of Wilmot, NH.

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

Chairman Walker noted that the Planning Board had forwarded a recommendation for an new Alternate. He made a **motion** to appoint Faith Muello as an Alternate for the Planning Board. Selectman Herbert **seconded**. The **motion passed** with all in favor.

#### **e. Zoning Board**

Chairman Walker noted that the Zoning Board had forwarded a recommendation for a new Alternate. He made a **motion** to appoint Eric Maxwell as an Alternate for the Zoning Board. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

#### **f. Conservation Commission**

Chairman Walker noted that two recommendations for new members had been received from the Conservation Commission. He made a **motion** to appoint Kathleen Doyle as a member of the Conservation Commission for 2 years and Sarah John as a member for 3 years. Selectman Herbert **seconded**. The **motion passed** with all in favor.

#### **g. Old Home Day Committee**

Selectman Herbert reported that planning was progressing well. He said things were expected to be similar to the previous year. However, so far they had been unable to book a band for the parade. All of the bands are booked. Chairman Walker solicited suggestions for a band or a reenacting group, fife and drum.

#### **5) Public Hearing Continuance**

*Petition to reclassify approximately eight thousand (8,000') feet of the Old Center Rangeway, submitted by Joyce & Charles Rose, to return the road's status back to Class VI.*

Chairman Walker opened the Public Hearing at 7:07 pm.

Chairman Walker noted that a letter from Megan Carrier, Esquire of Sheehan Phinney, stating that she and her colleague Chris Cole had been retained to represent Charles and Joyce Rose with respect to their petition relating to

the Old Center Rangeway. Since they had only recently been assigned, she was requesting additional time to review the issues and organize the information to be presented to the Board. She request that Board continue the hearing on the petition to the Board's July 20, 2022 meeting.

Before discussing whether to continue, Chairman Walker asked for public comment.

John F. Hayes from Alfano Law Office introduced himself, representing Mr. and Mrs. Romano. At the prior meeting, a letter was presented explaining why the road should not be laid out. He said he understood the hearing was likely to be continued. He was here again to stand in opposition to the lay out. He said he understood that the Roses obtained new counsel do to a conflict of interest, however apparently they were continuing with the same counsel. He noted that they opposed a continuance.

Selectman Herbert noted that the Roses were using the same firm, just different lawyers.

Chairman Walker said he would make a motion to continue the Public Hearing, but was very unlikely to provide any other continuation beyond that. He made a **motion** to continue the hearing to July 20. Selectman Herbert **seconded**. The **motion passed** with all in favor.

Chairman Walker made a **motion** to close the Public Hearing at 7:10 pm. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

## 6) New Business

### a. NH State Police Statistics, April 2022

Chairman Walker read the stats into the record, as follows:

Type of Call	#	Type of Call	#
Animal Complaints All	2	Inspection Audit	1
Assist Citizen	1	Non NIBRS Event / Non-Cat Data	3
Assisting Other Police Agency	1	Other Public Service / Welfare Check	2
Burglary	1	Police Information	1
Civil Matter	1	Restraining Order Information & Services	1
Directed Enforcement Patrol	1	Sex Offender Address Verification	6
Family Offenses - Domestic Violence	1	Sex Offender Registration	2
Follow Up	1	Traffic Enforcement / Motor Vehicle Stop	24
Found Articles	1	<b>Total Calls</b>	<b>50</b>

### b. Cross Country Appraisal Group – Request funds from Revaluation CRF

Hearings relative to the revaluations have been scheduled for June 23rd, 24th, and 28th.

Town Administrator April Rollins said that anyone who received a letter could call the number on the letter to make

an appointment with Cross Country Appraisal Group. The Tuesday appointments would be held later in the day from noon to 6 pm.

Chairman Walker reported that the Town had received an invoice from CCAG, invoice #4504 in the amount of \$4,000 for "Revaluation 75% Complete". TA Rollins said \$17,000 had been paid so far and she expected one more invoice.

Chairman Walker made a **motion** to approve payment and forward the invoice to the Trustees of the Trust Funds for payment. Selectman Herbert **seconded**. The **motion passed**.

Marcia Murphy said she hadn't yet received a letter from CCAG with her new assessment. Town Administrator April Rollins said she would give Ms. Murphy CCAG's phone number.

### **c. Two SOP's (Standard Operating Procedures)**

TA Rollins noted that while cleaning house, some of the SOPs had been updated but no digital files were located. She presented the Selectboard with recommended updates to the Inclement Weather SOP and the Public Meetings & Non-Public Meetings SOP.

Selectman Herbert commended about the Inclement Weather SOP noting that it applied to hourly employees only, but not the Town Administrator. Chairman Walker felt the closing of meetings should not be tied to closing of the schools; the two are not related. Selectman Hoyt felt the Town Administrator should be the one to make the decision to close Town Offices.

TA Rollins noted that the 2015 version of the Public Meetings & Non-Public Meetings SOP was not available as a digital file, only the 2010 version. She marked up the 2015 version with recommended changes.

Selectman Herbert recommended posting meetings at the Post Office. Selectman Hoyt recommended having all draft minutes forwarded to the Selectboard for review.

Chairman Walker suggested changing the word "released" in referenced to minutes to "available for inspection".

TA Rollins would update the SOPs with recommended changes for review at the next meeting.

## **7) Old Business**

### **a. Highway Department Advisory Committee**

Chairman Walker expressed his concern that sometimes committees are places where ideas go to die or get chewed around and never acted upon. The issue of what the Town was going to do with the roads in 5 years, 6, 7, maybe 2 years, was too important to throw into an echo chamber. That was his initial concern about a committee to address a Highway Department. However, after discussion with members of the public and after giving it more thought, he decided a committee would be a good way forward with two conditions. There needs to be clearly stated objectives and a timeline needs to be set in advance.

Chairman Walker proposed establishing a "Highway Department Advisory Committee" for the Selectboard. They would be tasked with seeking public input on the potential development of a Highway Department; identifying the various options available, identifying the costs of the options; identifying the appropriate locations in Town for a potential salt shed, equipment shed; assembling a plan for reaching the objectives; and making recommendations for potential Warrant Articles. They would have a report deadline of December 1, 2022. That would give the Selectboard time to draft Warrant Articles and discuss them in time for Town Meeting 2023.

Chairman Walker made a **motion** to establish a Highway Department Advisory Committee (HDAC) under those terms. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

Chairman Walker said that he had spoken with some people. He recommended that the committee have the following five members, making a **motion** to appoint:

- ◆ Bill MacDuffie Jr - For his in depth experience as the Road Agent. He would be a big source of much data used by the HDAC.
- ◆ Dave Kelly - Member of the Budget Committee & Conservation Commission.
- ◆ Sheryl Bentley - For her experience in preparing environmental applications for the State.
- ◆ Marcus Zueck - For his Program Management experience. Chairman Walker shared that Mr. Zueck and he had good conversations after a prior BOS meeting. Mr. Zueck helped him frame putting the HDAC together and expressed desire to complete the project in a short timeframe.
- ◆ David Rapalyea - Former Selectman and respected member of the community.

Kimberley Edelman recommended that HDAC also have a good recording secretary to prepare quality minutes, noting that minutes may be needed later to support grant applications and to gain support for Town Meeting.

Selectman Hoyt **seconded** the motion to appoint HDAC members. The **motion passed** with all in favor.

Kimberley Edelman noted that as an official committee, the HDAC must follow RSAs regarding posting of meetings and availability of meeting minutes. Chairman Walker added that the meetings must be open to the public.

#### **b. Donations 31:95-e – Wooden Chairs from Town Hall**

TA Rollins reported that \$32 had been received in exchange for wooden chairs in the Town Hall. Chairman Walker made a **motion** to accept the funds as donations. Selectman Herbert **seconded**. The **motion passed** with all in favor.

#### **c. Library Building - Exterior Paint & Roof Shingle**

TA Rollins noted that two estimates had been received for painting the front side of the library. Selectman Hoyt noted that both described the same work, using the same products.

Selectman Hoyt made a **motion** to accept the estimate from Tyler Hileman. Chairman Walker **seconded**. The **motion passed** with all in favor.

TA Rollins reported that a volunteer went up to inspect the shingle. An exhaust fan had been installed earlier. The shingles in that area were in poor condition. The age of the roof was not yet known. A search of records would continue in hopes that a warranty could be located.

### **8) Selectmen's Reports**

#### **a. July 6 BOS Meeting**

Chairman Walker noted that in the past few years, the Selectboard did not meet on first Wednesday of July. With the amount of work underway, the Board agreed to do so this year. They will meet on July 6 and July 20.

## **9) Public Comment**

### **a. Letters from CCAG**

Marcia Murphy asked if all of the letters from the assessors had been sent out. TA Rollins noted that they had and that she had received hers earlier in the day. Selectman Herbert also noted that he had received his. TA Rollins said she would give Ms. Murphy the phone number to call.

### **b. Utility Poles on North Road**

Ms. Murphy asked for the status of the poles. TA Rollins noted there was no update.

Ms. Murphy asked who would be paying for the new poles. Selectman Hoyt replied that there was no cost to the Town.

### **c. Trees at Fellows Cemetery**

Dora Rapalyea reported that four huge pine trees at Fellows Cemetery had been removed. She was impressed by the work which was done by Bill Partridge. She said he and his crew did a fantastic job. The work and a little bit extra was done within the quoted cost. Next, reseeded would be done.

### **d. Class VI Roads**

John Bentley asked if the Town had any data on who owns the roads, rangeways in particular. Selectman Herbert said he found strong cases for both the Town owning them and the Town not owning them. He noted that in colonial times, roads were traded for land. He said there were cases supporting both directions. He had gone through a lot of Town material backing up either opinion.

Another member of the public asked Selectman Herbert if he saw cases where the Town traded a piece of the range road lying adjacent to one individual's property for land on another individual's property, or was it always an exchange within the same property. Selectman Herbert said he saw a single sentence noting that one piece of the range road was being swapped with another piece of land someone owned. He also hadn't gone through court cases, but understood that court cases go in both directions, getting different answers.

Chairman Walker said someone else had asked a similar question. He asked Town Counsel about it and was told that case law was on both sides. Ownership of range roads was not set in State laws. A recent case involved the City of Lebanon in regards to the rail trail on the range road. He did not recall the details.

Bill MacDuffie Sr stated that he always assumed that residents owned the range roads.

Selectman Herbert noted that there was one Selectmen's decision he had read where someone had built a garage on the range road across from Loverin Hill. The Selectmen decided it was okay.

Selectman Hoyt said that at a December 27, 2004 meeting of the Selectboard, a motion was made by Selectman Joe Landry to state that the Town did not claim ownership of the rangeways. Selectmen Landry and Ken Ross-Raymond voted in favor, Selectwoman Mary Heath voted against. Selectman Hoyt felt that decision could be disputed as all three selectmen owned land abutting the rangeways. He felt that was a conflict of interest. Also, since RSA 41:14-A had not been adopted, the Selectboard did not have the authority to give the land away. He felt that was an issue, too.

Dave Rapalyea said that in the 1700's, there were several criteria the Town had to meet before applying for incorporation. The Town applied in 1767 and got it in 1768. This included number of churches, number of

schools, number of roads, and number of surveyed acres. Also, range roads had to be built. There were three in Town; North Range which is no longer in existence, Center Rangeway and South Rangeway. Center Range went up over Searles Hill Road and comes out near Easy Street in Franklin. South Rangeway which is Warner Road, South Road starting at Warner Road and Franklin Road. Those roads were required for the petition. Mr. Rapalyea stated that establishing who owns the land was strictly up to the courts.

Selectman Herbert said that the range roads were laid out by the Town, but it wasn't clear who owned them.

Al Romano noted that the proprietors were separate from the Town. No where in the records does it say that the proprietors gave their title to the Town.

A member of the public said he believed that if Rt 127 was to be relocated, abutters on 127 would go to the centerline. The State doesn't own Rt 127. It was noted that part of Rt 127 was part of the South Rangeway.

John Bentley referenced the 1890 book "The History of Salisbury, New Hampshire", collated by John J. Dearborn. One chapter in the book, "Roads and Turnpikes", references how roads were laid out. Looking at a map of 1768, the range roads were laid out in 4 rod width. Each lot from that stone wall on each side of the road became of ownership of whoever qualified for the land. The range road itself was never part of the property.

Chairman Walker and TA Rollins agreed the discussion had regressed from a history lesson to the topic of the Public Hearing which had been continued. Chairman Walker ended discussion and recommended the points being made be brought up at the Public Hearing in July.

## **10) Town Administrator's Report**

### **a. Meet with Counsel**

TA Rollins asked the Selectboard if they wanted to meet with Counsel before the Public Hearing. They confirmed they did. They agreed to meet at 6:30 pm before the Selectmen's meeting and Public Hearing.

### **b. Archives Room**

TA Rollins reported that she had spent several days clearing out old records which the Town was not obligated to maintain as archives. She noted that Absolute Data Destruction came to Academy Hall on June 14 to destroy records containing confidential information.

Kimberley Edelmann told the Selectboard that TA Rollins did an outstanding job clearing out records as allowed by State RSAs.

TA Rollins thanked Tax Collector Gayle Landry for her help. She also thanked Transfer Station Manager Bert LaFlamme who hauled away non-confidential records to the dump.

All three Selectmen thanked TA Rollins, Mrs. Landry, and TS Manager LaFlamme.

### **c. Primex**

TA Rollins reported that the Town had received a letter from Primex offering the Town the option of participating in the Property & Liability Contribution Assurance Program (CAP) for the next three coverage period years. The CAP agreement provides budgetary assurance through December 31, 2025. The agreement sets a maximum annual increase of 9%.

Chairman Walker made a **motion** to accept the option to participate. Selectman Herbert **seconded**. The **motion**

**passed** with all in favor.

**d. Office Hours for the Week of July 4 - 8**

TA Rollins noted that the Town Office would be closed on Monday, July 4 and Friday, July 8. Tuesday through Thursday of that week, office hours would be 9 am to 3 pm.

**11) Next Meeting**

Chairman Walker made a **motion** to adjourn the meeting 7:46 pm. Selectman Hoyt **seconded**. The **motion passed**. The next scheduled meeting: Wednesday, July 6, at 7 pm at Academy Hall.

Respectfully Submitted,

Kimberley Brown Edelmann

Recording Secretary

*These minutes were approved at the Board of  
Selectmen's meeting of July 6, 2022.*