



Salisbury Board of Selectmen

Meeting Minutes

November 18, 2020

APPROVED

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

Visitors: Several citizens attended the meeting held at Academy Hall including Pete Ballou, John Bentley, Rick Chandler, Joe & Gayle Landry, Bill MacDuffie Jr., Sharon & Bill MacDuffie Sr., Marcia Murphy, Jeff Nangle, Faith Partridge, Harvey Peters, Dora Rapalyea, Eric Swendsen, Dot Swenson, Steve Walker, Leann Wesoja, and Jerry Williams

Note: The new sound system was utilized for the first time. Multiple microphones were used, including one placed in the center of the room for use by members of the public who wished to speak.

1. Open Meeting

Chairman John Herbert opened the meeting at 6:00 pm.

2. Minutes

Selectman Hoyt made a **motion** to approve the meeting minutes of November 4th and November 9th as written. Chair Herbert **seconded**. The motion **passed** with all in favor.

3. Signatures

Chair Herbert noted that the Accounts Payable & Payroll Registers were in front of the Board for review and signatures.

The Chair also noted the Board had in front of them an Audit Confirmation Letter from Plodznik & Sanderson. Town Administrator April Rollins noted that the contract cost was \$10,125 and covered until 2022. Selectman Walker asked how the cost compared from the previous year. TA Rollins noted it was the same base rate and that there were variables.

Selectman Walker made a **motion** to approve the accept the contract with Plodznik & Sanderson. Selectman Hoyt **seconded**. The motion **passed** with all in favor.

4. Department Updates

4.1 Fire Department

Road Agent / Fire Chief Bill MacDuffie Jr. noted that there were no updates.

Chair Herbert asked Chief MacDuffie if he knew about a contract for lights at the Safety Complex. The Chief replied that he had not contacted anyone about it yet.

4.2 Road Agent

Chair Herbert noted that the Town needed to come up with a contract for road work with MacDuffie Construction Company LLC. TA Rollins stated that MacDuffie Construction would have to draft it then the Town attorney would review it.

Bill MacDuffie, Sr. asked what the contract was for. In answering, Selectman Walker said he will defer to Selectman Hoyt who had spoken with the NHMA. He said the idea was to put the arrangement in writing, to include scope of work and rates. At the time, there was no written contract in place.

Selectman Hoyt noted that by law, a contract was required; not with the Road Agent but with the company the Road Agent uses.

Bill MacDuffie, Sr. commented that the Town should look for a new company. He was not going to sign a contract.

A member of the public asked if the Town had already voted in a contract. Selectman Hoyt noted that that was just about the Road Agent. Chair Herbert added that Bill MacDuffie Jr. was elected as Road Agent, but he contracts with MacDuffie Construction to do the work. Chair Herbert said he assumed it could be a very general contract.

Selectman Walker asked what was the concern about having a contract. Mr. MacDuffie noted that he had never had one before. Sharon MacDuffie asked if other Towns have contracts and what they look like. Selectman Hoyt didn't know for sure but said it should include what the company did. Selectman Walker noted that the information about rates already was provided on the invoices. He noted that examples of the "contracted rate" could include the rates for use of specific pieces of equipment or the hourly rate for particular jobs.

Road Agent MacDuffie asked if the contract would have to be specific to MacDuffie Construction. Selectman Hoyt said it would be a general contract for whomever, whether it was MacDuffie Construction or another company.

Sharon MacDuffie felt a lot of Towns have contracts because they have purchasing agents who work for the Road Agents and contract work out.

Chair Herbert noted that the Town needed to do more research before moving forward. He did feel there should be something in place since there is a lot of money involved. Sharon MacDuffie noted that the budget reflects that. Chair Herbert replied that the budget sets how much money could be spent, but not who was doing the work.

4.3 Transfer Station

TA Rollins shared the new NRRRA proposal with the Board.

TA Rollins had not yet received a proposal for 3-phase power to the Transfer Station (TS). Currently the TS only had 1-phase power. The idea behind the proposal was to get power to the TS. An inverter would also be needed. The last estimate was for \$22,000 just to get power to the TS.

Selectman Hoyt asked why 3-phase power was needed. TA Rollins noted that the proposal included a compactor which would save the Town money over time.

It was also discovered that the Town was not being invoiced for use of the three 30-yard containers for municipal solid waste (MSW); that would change shortly. The new rates and hauling fees were shared with the Board.

Chair Herbert noted that it was suggested that a compactor be put in place, but power would be needed.

Joe Landry commented that a backhoe had been purchased to do that and had done a good job. In addition, new power would be an additional cost with fees, not at residential rates, but instead as commercial with demands charge. Start up the compactor and whatever the spike was, that's what the Town would be billed on for the whole month. It may not be as cost effective as one might think. The City of Concord uses a backhoe to do compacting on Old Turnpike Road.

Selectman Walker noted that the information they were viewing had only been received from NRRRA within the hour.

Looking at the numbers, including a \$7000 annual compactor rental fee, it looked like a \$5000 annual savings. This was based on the number of loads, currently at 112 loads versus 53 loads with a compactor in use. He did note that actual cost of operating the compactor was not included in the figures.

Searching Google, Selectman Walker found that compactors may only cost \$14,000 to \$20,000. He did feel compacting was not a bad idea. There are gas and diesel powered compactors. If purchased, it may save more money. He repeated that he hadn't had much time to do more research before the meeting.

Pete Ballou and Selectman Walker went back and forth on the merits of various features and capabilities of compactors. Pete Ballou stressed that a lot more information would be required before going to Town Meeting with a proposal to purchase a compactor as citizens would likely ask detailed questions.

Selectman Walker noted that there were two options for the NRRA contract. One included the rented compactor. He was concerned about signing a multi-year contract, especially since there was an 18% increase in the costs. Also, the purchase of a compactor during that period might be considered a breach of contract. He wanted to go with a single year contract. He suspected an electric compactor would not be a good solution, due to the cost of bringing in power.

Chair Herbert asked TA Rollins to see if NRRA would consider a single year contract. TA Rollins said she would do that. She also noted that NRRA and Casella had cornered the market; going out to bid might bring disappointing results.

Bill MacDuffie, Jr. asked about tonnage in the containers. Selectman Walker noted the average was about 8000 pounds / 4 tons per container.

Joe Landry asked how one would verify that a compactor was more efficient. Selectman Hoyt replied that the weight would prove it. Until then, that was what NRRA was telling the Town.

Chair Herbert tabled the discussion pending more information.

5. New Business

5.1 Cemetery Maintenance / Mowing Contract & Billing

Chair Herbert asked if an itemized invoice had been received for work done by JJ. TA Rollins replied she had not received anything other than the first bill. Rick Chandler said he had requested an updated invoice. The Chair noted that the bill as presented would not be paid until more detail was provided.

Rick Chandler confirmed the Town operates on a calendar year which is January to December. He also noted the cemeteries (with exception to Congregational) looked good throughout the year. Rick Chandler asked to receive all invoices for cemetery maintenance for the Cemetery Trustees to approve before being considered for payment. TA Rollins noted that only one invoice had been received in 2020.

Selectman Walker shared that he had attended a recent meeting of the Cemetery Trustees where it was agreed that JJ needed to provide more detail on invoices, including when they were in Town and what cemeteries were worked upon.

Pete Ballou added that when bills come in, if anything was a problem, it was up to the Cemetery Trustees to resolve the issues. He suggested that if JJ did not respond by the next Cemetery Trustees meeting, the work should go out to bid.

Eric Swendsen noted that he hadn't seen anyone working in the Congregational Cemetery. There were still stacks of leaves there.

6. Old Business

Chair Herbert asked TS Manager Jerry Williams to provide more information about his encounter with asbestos at the Transfer Station.

Manager Williams said it was a very small amount, maybe a pound or pound and half, in a bucket. He wasn't sure what to do with it, so he contacted a friend of his in Concord who was in construction. TA Rollins asked who that friend was. Manager Williams replied, "Someone who owed me a favor. He was able to take the asbestos and add it to a house he was cleaning out which also had asbestos. He took care of the charge and was able to dispose of it properly."

Selectman Walker explained that the State requires a chain of custody on all asbestos, from original source to the licensed contractor to the disposal site. Disposing asbestos by anyone not certified to do so is a Class B Felony. Therefore, the Town needs the documentation on the asbestos.

Selectman Walker asked Manager Williams how he identified the material as asbestos. Manager Williams replied that he knew by the smell, the color, the texture. He knew it shouldn't be in the MSW trash.

Selectman Hoyt commented that the proper procedure at that point in time would be to have closed that dumpster down and have somebody come in. By moving it, it became a problem. Manager Williams replied that he was still learning the job and that he was basically thrown into the role. It's been a challenge.

Selectman Walker recalled that they had agreed that if Manager Williams found something in the trash that concerned him, he would contact the Selectboard. Asbestos that wasn't encapsulated in a barrel or a plastic bag was a public health hazard. Moving it was a Class B Felony. Selectman Walker pointed out that Manager William's friend should have known, if they were a certified handler. If he was not, then there was a continuous problem regarding the chain of custody for the Town. Documentation was needed.

Selectman Hoyt noted that it wasn't even established if it was asbestos. Asbestos comes in many shapes and sizes. He wouldn't be able to look at material and establish it was asbestos unless it was a specific item which he knew contained it.

Manager Williams said he would provide the documentation and the name of the contractor who took it.

Rick Chandler asked the Selectboard if Manager Williams had been trained on how to identify and handle asbestos, adding that it was the responsibility of the Selectboard to provide that training. Chair Herbert replied that Manager Williams was in the process of being trained. He was doing the training, online. However, he doubted that training covered how to identify asbestos.

Manager Williams added that he had worked in construction before. He had seen many forms of asbestos. In this instance, it was in the form of popcorn ceiling paint from a very old house most likely. It was smelly and had all the right features. He assumed it was asbestos.

7. Selectmen's Reports

Nothing to report.

8. Town Administrator's Report

8.1 New Tax Rate

Town Administrator April Rollins shared that the final tax rate had been set. The draft minutes of the November 9th showed the new rate which was \$24.60 per thousand. This included an increase of \$1.66 per thousand over 2019 but only a \$0.03 increase in the municipal rate to \$4.97 per thousand. The Selectboard applied \$29,000 of the unreserved fund balance to the municipal rate, bringing the new rate is \$4.77 per thousand.

The state education rate went down from \$2.10 to \$2.05 and the county rate went up from \$2.66 to \$2.85 per thousand.

The local education rate went up from \$13.44 per thousand to \$14.93 per thousand.

Chair Herbert noted that nearly all of the tax increase was with the school.

Dora Rapalyea asked if there was an explanation about why the school tax had increased so much. Chair Herbert

noted it was due to their budget that had been approved. It was noted that not all of the Towns saw an increase in the school tax. Boscawen's tax went down.

Gayle Landry shared that she had made some phone calls to learn more about the increase. There were increases in collective bargaining and vocational students. There were decreases in salaries due to retirement. Also, the way they calculate Salisbury's portion was by student population over the past two years. It is called the "ADM" or Average Daily Membership. Salisbury's student population had increased. Also factored in was Salisbury's proportional share. She got the information from the Superintendent and the Business Administrator.

Selectman Hoyt believed the student population had decreased. Chair Herbert confirmed it had since 2019. However, the rates were based on 2018 - 2019. In 2021, an increase was predicted.

Dora Rapalyea asked if anyone ever invited School Board Representatives to come talk to the Town and provide information about what was happening. It would be nice not to be surprised by tax increases.

Chair Herbert believed the best way to attend the Annual Meeting. He was the assistant moderator at those meetings. He would see some Salisbury residents there, but primarily, the audience was made up of school district employees who turn out in droves. When a vote would come up, such as a vote to decrease the budget, it would be voted down by the teachers and staff. The only way to reduce costs was to get people to go to the meetings.

Pete Ballou said that Towns have no control over the school board.

Chair Herbert noted that sometimes the school board would hold their meetings in Salisbury. Sadly, few residents would attend. He also commented that there were many costs in the school district over which they had no control.

Harvey Peters recalled a packed meeting he attended which dragged on past 9 p.m. Voting didn't take place until late. Chair Herbert agreed the meetings were long, but they involved a lot of money. Louise Andrus was often the only person from Salisbury who would stand up and ask questions.

Eric Swendsen asked how many students were there at the school in Salisbury. Chair Herbert thought it might be about 50. TA Rollins said it was usually about 80. Mr. Swendsen wondered if not having a school in Salisbury would cost less. TA Rollins noted it would result in different costs and would likely upset parents. Pete Ballou recalled that a past subject of combining Webster and Salisbury schools hadn't gone over well. It was also pointed out that the school tax covered the High School, not just the Salisbury Elementary School.

Eric Swendsen asked how the tax rate of \$24.60 compared to other Towns. Boscawen's was a few cents higher. TA Rollins noted that Franklin had a bigger commercial base, so theirs might be lower. Pete Ballou noted that Concord, as an example, had much more industry, which also impacts the tax rate. Gayle Landry added that the equalization rate had an impact, as well. Salisbury's was at 88. Chair Herbert explained that the equalization rate was the value that the property had the last time it was appraised and what that value should be now.

8.2 Unitil

TA Rollins referred to an email from the Town attorney regarding the Unitil appeal. She needed the Selectboard to let her know what action they wanted to take. Selectman Walker felt it was best to follow the attorney's recommendation and reach a settlement.

Kimberley Edelmann shared that the Town of Warner had been through the same process with Eversource.

Selectman Walker shared that Unitil had filed an action against multiple towns relative to how poles and right of ways were being taxed. Essentially, the courts decided that towns could not tax them on the right of ways, just the poles. Abatements might need to be given.

Joe Landry asked to determine the value of right of ways, whether private or not. Chair Herbert noted that was the job of the appraisers.

Pete Ballou believed even if power lines went through, the land could be used for gardens.

Bill MacDuffie, Sr. recalled that the Unitil assessment issue had been brought up a couple years prior. Chair Herbert agreed it was ongoing. TA Rollins noted that past abatement requests had been denied.

What was the difference in the assessments? Chair Herbert thought the Tax Collector might know.

Selectman Walker made a **motion** to negotiate a settlement. Selectman Hoyt **seconded**. The motion **passed** with all in favor.

Chair Herbert noted that part of the formula of the tax rate was the total value of the property in Town. Lowering the taxes for Unitil would have an impact on the tax rate. Selectman Walker said the Town could fight it and continue legal action. However, that would increase the Town's legal costs.

9. Public Comments

Rich Chandler said he wanted to apologize to TA Rollins about comments he had made earlier about the administration. He was not insinuating anything about her. She appreciated his apology.

Gayle Landry wanted to comment about the elections. There were many people who thanked everyone for their work and making people feel safe. There were two people who deserve special recognition: Ayden and Aurora Rollins. They were there at 6 a.m., helped set up, were there to the end. They cleaned every voting surface all day long. They made everyone's work so much easier. They were helpful and cheerful all day long. Gayle added that April Rollins did a nice job raising the girls.

TA Rollins noted that the Town Clerk wrote a letter as the work helps fulfill their Senior Year community service.

10. Nonpublic Session 91-A:3, II(c) Reputation

Chair Herbert made a **motion** to go into nonpublic session at 6:55 pm. Selectman Hoyt **seconded**. Roll call: Herbert - AYE, Hoyt - AYE, Walker - AYE.

The Board reconvened the public session at 7:14 p.m.

No decisions were made in the nonpublic session.

Selectman Walker made a **motion** to seal the minutes of the nonpublic session. Selectman Hoyt **seconded**. All were in favor. The motion **passed**.

11. Adjournment & Next Meeting

No other business was conducted.

Chairman Herbert made a **motion** to adjourn. Selectman Hoyt **seconded**. The **motion** passed with all in favor.

The meeting was adjourned at 7:16 p.m.

Wednesday, December 2, 2020 @ 6 p.m. at Academy Hall.

Respectfully Submitted,
Kimberley Brown Edelmann
Recording Secretary

These meeting minutes were reviewed and accepted on December 2, 2020.

Selectmen, Town of Salisbury