



Salisbury Board of Selectmen

Meeting Minutes

February 15, 2023

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

Attendees: Several citizens attended the meeting in person at Academy Hall. A few citizens attended via Zoom.

1) Open Meeting

Chairman Walker opened the meeting at 7:00 pm.

2) Meeting Minutes

Chairman Walker Herbert made a **motion** to approve the minutes of February 1 and 6, 2023.

Selectman Herbert **seconded** the motion which passed successfully.

3) Signatures

Chairman Walker noted that the Selectboard had reviewed and signed where applicable:

- ☐ Review Accounts Payable & Payroll Registers – Available for Public Inspection
- ☐ Intent to Cut - Tax Map 233, Lot 2.2, Tax Map 236, Lot 15.7 and Tax Map 221 Lot 3
- ☐ Report of Cut - Tax Map 233, Lot 8

Documents are available for public inspection.

4) Department / Board / Committee Reports

- a. **Fire Chief / Road Agent:** Road Agent Bill MacDuffie Jr. said there will be some roads posted this week.

- b. Transfer Station: Manager Laflamme noted that the compactor is back. Selectman Herbert asked about the status of the trees to be cut at the transfer station as previously discussed.

Chairman Walker **motioned** to approve the trustees of the trust funds to spend the money and give them the go-ahead to cut the trees as discussed.

Selectman Herbert **seconded** the motion which passed successfully.

Chair Walker **motioned** to approve Bert Laflamme to contact Generator Connection for servicing.

Selectman Hoyt **seconded** the motion which passed successfully.

- c. Zoning Board: TA Rollins said that the Whyte variance for the chicken coop was passed at the last ZBA meeting.
- d. Planning Board: Selectman Herbert said the Planning Board finished up some housekeeping with the revisions to the subdivision regulations. A Public Hearing on those revisions will be held next month. Also, the 4-lot subdivision in Boscawen was approved.

5) New Business

- a. Speed limit on West Salisbury Road.

A request was made to review the speed limit on West Salisbury Road. Merrimack County Sheriff David Croft explained that they can authorize to lower the speed limit to 25 mph, but a traffic study must be done first.

RSA 265:62 does require a traffic study, but it is specifically for speed limits on state roads. He encourages them to consult with legal counsel before making any changes.

TA Rollins will send a communication to NHMA for information on the statute.

- b. Resignation

Chairman Walker **motioned** that they accept with regret the resignation of David Croft from the Budget Committee.

Selectman Hoyt **seconded** the motion which passed successfully.

Chairman Walker **motioned** that they accept with regret the resignation of April Rollins from the Recreation Committee.

Selectman Herbert **seconded** the motion which passed successfully.

- c. Pavement Ends Bicycle Race: request for a bicycle race to run through town. This race is run on gravel roads through a small portion of the Town. TA Rollins to have State Police sign off on the event.
- d. The Fire Explorers are having their annual Spaghetti Supper on March 4 from 5 - 7 p.m. at the Town Hall.
Chairman Walker **motioned** that they waive the fee for the use of the Town Hall for this event.
Selectman Herbert **seconded** the motion which passed successfully.

6) Selectmen's Reports

Selectman Hoyt read an email stating TDS is now taking orders for North Road. Residents can sign

up to make an appointment via an 800 number or online.

PUBLIC HEARING ON NO THROUGH TRUCKING ORDINANCE

Chairman Walker opened the hearing at 7:15 p.m.

Chairman Walker stated that Hensmith Road was apparently posted as 'No Through Trucking' without an actual ordinance in place. Many of the residents of Whittemore Road have requested their road be posted as 'No Through Trucking,' which would restrict vehicles weighing in excess of 26,000+ pounds.

Sheriff David Croft stated that he has stopped numerous vehicles on Hensmith Road over the past few years pertaining to No Through Trucking. He said the town potentially put him in a liability situation in which had he issued a summons or found something like illicit narcotics in the vehicle, that would have been suppressed because there was no actual ordinance in place to begin with. He and other law enforcement officers could have been sued. He asked how long that road was posted with no ordinance in place. Chairman Walker answered 2 years.

Gayle Landry asked how someone would go about getting a waiver. Chairman Walker said that it can be arranged through the Road Agent. Selectman Herbert suggested a change within the ordinance indicating authority "from the Selectboard or their designee."

Herbert Peter asked how many trucks use those roads per day. Chairman Walker said that they haven't done a traffic study on this, and they are relying more on the residents of Whittemore that have issued the complaint asking to have the trucks barred. There was a lot of dump trucks traveling through during the summer during construction on Raccoon Hill Road.

Karen Currier asked how Hensmith became a No Through Trucking Road. Chairman Walker said that he did some research, and he honestly doesn't know; it was done during the tenure of a previous board. Karen Currier said that it is not a dead end, there are no low wires or bridges, so it doesn't make sense for Hensmith or Whittemore to have an ordinance. Jason Currier asked why was it posted to begin with. Chairman Walker said someone clearly complained to a past board, possibly because of concern of road damage, and signs were put up. Road Agent MacDuffie said that other than when it is wet, trucks are really not going to do any more damage than other vehicles.

Jason Currier: trucks pay a lot of money to be on the road and they are essential to everything we have. People wouldn't have anything if it weren't for trucks. They are safe and alert drivers. Their registration, insurance, the costs to be on the road add up to be a lot. Going down Hensmith would cut down on traffic. It's a thankless job and no one likes to be behind them. Also, once you post one road because the residents don't like it, that opens it up to everyone asking to do the same. We need trucks.

Denise Balch stated that if someone purchases a home on a dirt road that has an access on it, they can't expect the road not to be used. When you make a decision like that, you need to look at all of the choices you're making.

Sharon MacDuffie said that every house that gets built needs trucks to be able to access the property in order to clear trees, etc. Cindy Romano noted that appears to be an exception to

ordinance.

Gayle Landry is all about letting the working man work. She asked about a waiver because of a situation involving her family where a truck had to go all the way down just to turn onto 127, which is already a dangerous intersection.

Tricia Thompson is not against ordinances, but how do you enforce an ordinance? Chairman Walker said that that is valid, as they don't have a lot of police coverage in town, but they can't say that one precludes the other. Tricia doesn't feel you can put an ordinance in effect if you can't enforce it. Chairman Walker said that it would give more teeth to law enforcement.

Selectman Hoyt stated that they are having this meeting to get the input, they aren't just looking to make a decision on their own. The BoS doesn't need to have a Public Hearing on this, but they are doing so in order to get that input, which is what a Selectboard should do.

Tricia Thompson asked if a traffic study had been done.

Brett Walker said they don't have money in the budget to conduct traffic studies.

Selectman Herbert said that the state does studies on the traffic counts on certain roads each year, but it doesn't give details on what kinds of vehicles are using the road.

Chairman Walker said that they are having this meeting to find out where the public stands. They have received complaints from residents on Whittemore. They also knew when this was brought to the board that someone is going to be unhappy no matter the decision. They have to decide what will serve the majority of the residents. It seems there is a fair amount of opposition to this.

Chris Dixon lives on the end of Whittemore Road. There are 6 families with children on Whittemore Road plus the school. If you're walking on that road, you're taking your life in your hands.

Jason Currier stated that he'd rather a trucker pass his kid walking down the road than the average car. The average truck driver is 10 times safer than the average car. Trucks are not unsafe and he feels they get a bad rap. They are good and safe drivers that spend every day behind the wheel.

Lowell Balch stated that he agrees that they are some of the safest drivers on the roads. He doesn't feel that it's right that some people can say they don't want the trucks on their road and they pass it off to residents of other roads that may end up deciding the same thing. Trucks should have the right to travel on any road that they can use safely.

Donna Ayoub has lived on Hensmith Road for 39 years and the street has been posted there for nearly as long as she's been there. If it is not a legal posting, then the residents of that road were misinformed. Selectman Hoyt also lives on Hensmith Road; he agrees that traffic is steady, but he hasn't noticed a steady increase.

Donna Ayoub asked if those signs were removed, is it the town's responsibility to put them back where they belong or get rid of them? Brett Walker said that they don't have an ordinance, so they won't be posting any signs until/if there is an ordinance in place. Donna Ayoub replied that there was a sign that reads '25 miles per hour No Through Trucking,' and it is not there anymore. The Selectmen said they did not remove the sign and they are not sure who did.

Faith Muello stated that the sign is currently on her property, and she would like to know how it got there and wants it gone. Brett Walker recommended that they notify the Road Agent and have him pick it up.

Harold Miller has lived on Wittemore since 1963. They didn't ask for a paved road, it was just done. He used to drive trucks, but the trucks on that road do not slow down. He has nothing against them, but people have kids on that street. He has seen neighbors upset and in tears because of the speed of the trucks and cars. The road is starting to crack again, too. There should be something done about the speed limit.

Jason Currier said it is a public road not a private road. They pay money to travel it.

Gayle Landry asked if they received any input or concerns from the school on Whittemore Road traffic. Chairman Walker confirmed they have not. Gayle asked if there is anything that can be done about the school bus that drops kids on Whittemore, goes out to the stop sign, starts up Center Road, backs down Center Road and turns to go back down Whittemore Road to turn around. Chairman Walker suggested they address it with the bus company.

Tricia Thompson said the same could be said of the truck drivers. If the driving of truckers is an issue, perhaps people should start complaining to the trucking companies.

Chris Dixon asked if the town paid to have Whittemore paved and suggested that it was paved to fix the damage done by trucks. Bill MacDuffie said they did an overlay to fix the cracks that developed by age.

Dottie Swenson lives on Whittemore and said that her concern is the speed. The trucks are flying. She lives down the road from the school, and they gain speed coming down the hill. She thinks 30 mph would be a more appropriate speed limit, especially where the school is on that road.

Bill MacDuffie Sr. would be in favor of 25 mph on all town roads.

Denise Balch said that they have to be reasonable and think about what is going on in their community; the population is increasing; the roads are going to be well-traveled. Bill MacDuffie Jr. has records of year after year that shows the increase pretty easily. TA Rollins said that it's not a large increase year after year. She explained how the roads are chosen for upgrades, adding that the data is available for Salisbury for the last 10 years can go on the CNHRP website.

Sharon MacDuffie lives on Route 4 and has noticed the increase. When you have a big truck, to insure it is big money and the liability of truck drivers is huge. They are also subject to fuel and road tax. They're a bit more conscientious than they are made out to be.

Cindy Romano asked why an ordinance is needed? Why do we need no through trucking as a rural community? Why don't we lower speed limits instead and try to enforce them better? Chairman Walker said that it is really the outliers that are causing the issue.

Robert Lawrence of Raccoon Hill Road said that he won't even take his car that way anymore and

wouldn't even attempt it in a truck (Whittemore coming off of rt 4); it's not a safe road to take with a heavy truck in his opinion.

Chairman Walker stated that he is not going to recommend this ordinance. They're just going to be moving the truck traffic from in front of one person's house to in front of someone's else's house. Selectman Hoyt agrees that he would like to get more coverage from the State Police on back roads. He thinks that lowering the speed limit on Whittemore to 25 mph is necessary as well.

With no ordinance in place, Hensmith Road is no longer a No Through Trucking road.

Chairman Walker **motioned** to close the Public Hearing at 7:56 p.m.
Selectman Herbert **seconded** the motion which passed successfully.

6) Public Comment

A resident asked if they could possibly have more patrols on a Saturday which is a busy dump day.

Sheriff David Croft said that he knows there has been a lot of discussion about enforcement which is what it comes down to. They can have all the laws in the world, but without the police staff to enforce them, they don't make a difference. The State Police do help, but are unable to assist as much as we would like them to as they are short-staffed statewide. After midnight, they have one trooper on in Merrimack County and they cover a large area within the county. His agency is out only until 10 p.m. He is willing to help out in any way he can to help the State Police to fulfill those 8 hours of coverage per week. However, he does not want to step on any toes, so he asks that if that is what they would want, to please approach the State Police with that suggestion. But they are not going to fix these problems by lowering speed limits or creating more laws they cannot enforce. Sheriff Croft gave an overview of the investigations he has been a part of in just the town of Salisbury over the past year. The only reason he is a part of them is because people approach him with them when they see him in town. That doesn't include the cases that the State Police takes care of. His agency can help supplement what the State Police cannot cover.

Chairman Walker is not willing to accept or reject the offer until there is a discussion in town about using any agency other than the State Police. He is personally not opposed to it, but that is a decision that the town needs to make. That would be a good conversation to have at Town Meeting. He does appreciate the offer and feels it would be a good opportunity for the town.

Selectman Hoyt is glad to see everyone who came out tonight for the Public Hearing to let them know their thoughts.

7) Town Administrator's Report

- a. The Town Report has been sent to the printer and it has been proofed, and she is hoping to receive them by the deadline of March 7.

8) Nonpublic Session

Chairman Walker **motioned** that the Board enter into nonpublic session in accordance with RSA 91-A:3,II (b), **seconded** by Selectman Hoyt.

By Roll Call vote: Hoyt-aye, Walker-aye, Herbert-aye.

The Board entered non-public session at 8:04 p.m. and reconvened the public session at 8:12 p.m.

Chairman Walker announced the Board unanimously voted to hire Todd Brown as a Transfer Station Attendant at \$17 dollars per hour with a \$0.50 cent increase after completion of the SWOT certification and pending a background check, effective 2/22/23.

The Board also voted unanimously to hire Sadie Merrow as the new Municipal Assistant at \$17 dollars per hour pending a background check, effective 2/21/23.

The next scheduled Selectmen meeting at Academy Hall is on Wednesday, March 1, 2023 at 7:00 p.m.

Meeting adjourned at 8:13 p.m.

Respectfully Submitted,

Jennifer King, Recording Secretary