



Salisbury Board of Selectmen

Meeting Minutes

April 5, 2023

Selectman Brett Walker, Chair	Absent
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. No one attended via zoom.

1) Open Meeting

Chairman Hoyt opened the meeting at 7:04 pm

2) Election of Officers

Selectmen Hoyt made a **motion** to elect officers Walker, Herbert, and Hoyt for the following positions below, Selectmen Herbert **seconded** the motion. Motion passed.

Chair of the Selectmen – Brett Walker

ExOfficio to Planning Board – John Herbert

Ex-Officio's Alternate to the Planning Board – Jim Hoyt

Ex-Officio to Budget Committee – Brett Walker

3) Meeting Minutes

Selectman Herbert made a **motion** to approve the minutes of March 15, 2023, without corrections. Selectman Hoyt **seconded** the motion which passed successfully

4) Signatures

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

- Review Accounts Payable & Payroll Registers – Available for Public Inspection
- Agreement for Police Services 2023
- Intent to Excavate – Tax Map 221, Lot 2 and Tax Map 220, Lot 1

- Yield Tax – Tax Map 231, Lot 5 and Tax Map 228, Lots 5&6 and Tax Map 233, Lot 2.2
- Application for Current Use – Tax Map 238, Lot 55

5) Public Hearing

Class VI Road Liability Waiver for Travis Silver on Calef Hill Road, Tax Map 258, Lot 4

- Travis Silver is applying for an Agreement of Notice of Municipal Responsibility & Liability (ANLMRL), for Calef Hill Road Tax Map 258, Lot 4, to build a single-family home and driveway. Travis Silver informed the Selectmen he made the road passible as of right now. Selectmen Hoyt asked him not to do any more maintenance on the property until he goes to the Planning Board on April 17th, as well as have a walk through of the property on April 18th. Road Agent/ Fire Chief Bill MacDuffie Jr. surveyed the area and stated, he does not see any reason that the Class VI portion of Calef Hill Road cannot be used for a driveway access to Silvers property, as long as he follows the same rules and regulations that everyone else is held to. Matt Mason the owner of Blackwater Veterinary Services, questioned the ruling of the 600 feet rule from a class VI road. TA Rollins answered the question by saying the attorneys have debunked that ruling because it was based on hose length as the form of measurement, she stated that unit of measurement is no longer accepted therefore that regulation no longer stands. Dan Ball an abutter to Silvers land asked how many houses he will be building. Silver said he is only building one small house on the property even though the acreage allows for more buildings. Selectmen Hoyt said, the best plan of action is to go to the Planning Board, do the walk through of the property, and come back to the next meeting when the full Selectmen's board is in attendance. Joe Schmidl Planning Board chair encourages anyone with questions or concerns about the class VI road to attend the next Planning Board meeting on Monday, April 17th at 6:30, where this road and Travis Silver's plan will be discussed more in depth.

Selectmen Hoyt Closed the Public hearing at 7:16 pm.

6) Department / Board / Committee Reports

a. **Fire Chief / Road Agent**

Bill MacDuffie Jr. told the Board, he had nothing to report at this time.

b. **Transfer Station**

Manager LaFlamme stated, the compacter maintenance is scheduled for next Tuesday.

LaFlamme also said, the generator company suggested to up the yearly service from three times a year to four, due to the number of hours the generator is run. Selectmen Hoyt said, he had no problem adding another scheduled service for the upkeep of the generator. Hoyt made a **motion** to approve the cost of four scheduled services on the generator a year at \$2,400 dollars, Herbert **seconded** the motion. Motion passed.

7) New Business:

a. Loverin Hill Road Re: Right-of-Way

- 8) During winter storm cleanup there was a conflict between the Highway Crew and residents of Loverin Hill Road, due to where the snow was being moved to as well as where the plow trucks and other machinery were turning around. Alfred Romano stated, the highway departments loader pushed his boulders around and messed up the drain and ditching system, by pushing snow into the ditch, which has the potential to flood his yard and garage. Dave McDuffie questioned Romano, by asking how moving his personal snow from his driveway into the same ditching system is any different the Highway department moving snow there. Romano did not have an answer to McDuffie's question. Bill McDuffie Sr. suggests the town lays Class V Road 60 to 70 feet past the turn around to provide a spot for the plows and machinery to turn around safely and not on the private road. Road Agent Bill McDuffie Jr. said, he would like to make a safe and effective turn around where the current one is now. Joe Schmidl said, the current turn around in use right now is on private property, but he is okay with the town using it. Alfred Romano said every year his stone wall gets hit by the plow. Selectmen Hoyt responded by saying that the stone wall is very close to the road. The Road Agent mentioned discontinuing the whole road. Alfred Romano stated, he called the Road agent on the phone because a piece of machinery hit his mailbox and the Highway department employee was pushing snow in the ditching system. The Road Agent called his employee and told him to put the snow back and leave it there. While the Highway Department worker was returning the snow to the original location, Cynthia Romano came outside to express her disapproval about the damage to her mailbox as well as where the Highway department had placed the snow. Selectmen Herbert said, leave the plow drivers out of it, they are just doing the job they were told to do, talk to the Board of Selectmen or the Road Agent if you have an issue. Cynthia Romano said, she only went outside to confront the worker after her husband, Alfred Romano called the Road Agent. Selectmen Hoyt said the Highway Department needs to be able to clean up the roads, and for safety do not confront the truckers, it is dangerous to do that while they are working. Those machines are loud and visibility is limited as well as the trucks constantly backing up, confronting the truckers could end very badly if they do not see you there. Joe Schmidl said, we need to sit down and settle this once and for all. Selectmen Hoyt suggested a work session to figure out property lines as well as plan for a safe turn around. The Road agent mentioned, having a lawyer present at the work session. Selectmen Hoyt said he is willing to have a work session and invite the residents of Loverin Hill Road as well as the Road Agent, Planning Board, and anyone else who would like to attend, to discuss the situation further in order to make a plan going forward. If the work session is unsuccessful then legal action will be required.

9) Old Business - Outstanding 2023 Budget Items - Selectmen's Reports

a. 3M Subpoena Update

- Joseph H. Driscoll IV, Esq. of the Mitchell Municipal Group, P.A. shared via email:

The Federal Court issued an order remanding the case back to State court (specifically to Merrimack Superior Court). The subpoenas you received were issued under the authority of the Federal Court. Now that the case is no longer in that Court the Federal Court would not have jurisdiction over the subpoenas any longer, thus rendering them ineffectual. All counsels are fairly certain that 3M's strategy will remain the same and we anticipate that the very same subpoenas will be issued in the State court proceeding. Unfortunately, we

never received a response to our objection from 3M's counsel, nor were we kept up to date on this recent development, this was only discovered by diligently checking the case docket. Consequently, we still do not know if 3M will modify their requests in any way, but if they do reissue the same subpoena we will respond as we did before. Just like the subpoena, our objection will have no effect, so we will need to respond/object to anything you now receive. Bottom line, the subpoenas have no legal affect at this stage, but keep what you have gathered ready and available, and we will keep you posted when (and if) we receive anything from their counsel.

b. Quote for Academy Hall Water Pump

- Selectmen Hoyt received a quote of \$925 dollars from Turner Plumbing and Heating to do the maintenance on the water pump at Academy Hall. Selectmen Hoyt said this company has done great work for the town in the past and he has no problem hiring them again for this project.

Selectmen Hoyt made a **motion** to approve the cost of maintenance on the water pump Selectmen Herbert **seconded** the motion. The motion passed.

10) **Selectmen's Reports**

- Selectmen Herbert said, the Planning Board talked about buying land for the highway department in the future. By utilizing (GIS) data from cartographies they also re-elected Joe Schmidl as Chair of the Planning Board.

11) **Public Comment**

- The resignation of Judy Elliot, Selectmen Herbert made a **motion** with regret to accept the resignation Selectmen Hoyt **seconded** the motion. The motion passed.

12) **Town Administrator's Report**

- Primex Insurance – Audit of Town Buildings & Transfer Station
 - o TA Rollins said, Primex Insurance surveyed all the town buildings and the transfer station, and the town passed with flying colors.
- Camping Permit – Complaint
 - o Wayne Goulet followed up on a complaint via email on April 3rd about a camper very close to his property line in which he believes is being used as a full-time residence. Goulet stated that the camper has been permanently occupied since July of 2022 by two individuals, a cat, and a dog. The land owner has submitted a camping permit application in the past. In which the Building Inspector approved. The permit was set to expire on February 7th 2023. The town conducted a follow up inspection after the initial camping permit was approved by the Building Inspector, and found there was no conclusive evidence that the camper had been occupied consistently for 60 days. Goulet spoke to the Selectmen and said, the camper is 30 feet from his house, it is unsightly and a nuisance. Goulet noted the rules and regulations of a camping permit are as followed:

I understand that the issuance of this permit is subject to sanitary provisions approved by the Town Health Officer / Building Inspector.

2) I understand that this permit is issued for a period not to exceed sixty (60) days and is renewable only once within a calendar year, and that a 180-day lapse shall occur before the issuance of a new permit. 3) I understand that this permit does NOT supersede requirements by the Fire Warden for burn permits for campfires or cooking equipment.

Goulet said the camping permit is expired and the rule of the permit states they cannot be staying in the camper for 180 days, after the permit expires. He also believes the camper was winterized with plywood and heated by propane tanks during the colder months. Goulet is asking the camper be moved and that the rules of the camping permit to be followed. Dora Rapalyea said, the situation will be taken care of in a week or so. Selectmen Hoyt told Goulet to give it a week or so and if nothing has changed more action will be taken.

The next scheduled Selectmen meeting is April 19, 2023 7pm at Academy Hall.

Meeting adjourned at 7:46

Respectfully Submitted,

Sadie Mellow, Municipal Assistant