



# Salisbury Board of Selectmen

Meeting Minutes  
Wednesday, October 21, 2020

**APPROVED**

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

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**Visitors:** Several citizens attended the meeting held at the Town Hall, including Charles Bartz, Gary Clark, Kathie Downes, Jessica Greenlaw, Mary Heath, Joe & Gayle Landry, Bill MacDuffie Jr, Sharon & Bill MacDuffie Sr, Marcia Murphy, Joshua Nixon, Marjorie Roy, Michael Sanborn, Gene Shaw, Eric Swendsen, Leann Wesoja, and Jerry Williams

## 1. Open Meeting

Chair John Herbert opened the meeting at 6:00 p.m.

## 2. Minutes

Chair Herbert made a **motion** to approve the minutes of the October 7 meeting as written. Selectman Hoyt **seconded**. The motion passed with all in favor.

## 3. Manifest & Consent Agenda

Town Administrator noted that the Select Board had signed a response letter to Josh Nixon (the letter was given to him after signature).

An Intent to Cut form for Tax Map 216, Lot 9.1 on Mountain Road had been signed.

Police response statistics for the month of September were reviewed. These included:

6 - Burglar alarms	4 - Noise complaints	1 - Department assist
1 - Domestic in progress	1 - Hazardous operator	3 - Motor vehicle accidents
10 - Requests for service	1 - Sex offender registration	1 - Subpoena service
1 - Suicidal subject	1 - Suspicious activity	1 - Suspicious person
1 - Traffic stop		

## **4. Department Updates**

### **4.1 Road Agent / Fire Chief**

Bill MacDuffie Jr. reported that road grading work was underway.

Boscawen Fire recently did pumper tests. Salisbury sent two trucks to Boscawen for testing.

### **4.2 Transfer Station**

The NRRRA contract expires in December. Town Administrator Rollins noted it was on the agenda to keep it on everyone's radar.

Jerry Williams reported that he planned to do his Solid Waste Facility Operator Training and Certification the following day.

## **5. New Business**

### **5.1 Mutual Aid Agreement with Webster Police**

Chair Herbert explained that while driving through Town, Webster police clocked a driver doing 75 mph through the heights and gave the driver a ticket. It turned out Webster PD can't do that without authority from the Town of Salisbury. Entering into a mutual aid agreement would give Webster PD that authority.

Chair Herbert noted that with an agreement in place, Webster PD would not be patrolling. However, they do drive into Town to get fuel. If they happen to see something while in Salisbury, they may act. The agreement does not cost anything.

Chair Herbert made a **motion** to execute that agreement. Selectman Walker **seconded**. All were in favor. The motion passed.

A member of the public asked if the board would be inviting discussion. Chair Herbert noted that the meeting was a meeting of the Board of Selectmen and the public was welcome to sit in and observe. There was a time towards the end of the meeting for public comments. This was not a Town Meeting with voting on various items.

Marcia Murphy asked who would pay any court costs if the Webster PD had to go to court. It was noted that Webster would cover those costs. She asked if the Board of Selectmen in Webster was aware of the agreement. Town Administrator Rollins replied that Salisbury Select Board would be signing the agreement along with the Chief of Police in Webster. The Webster Select Board would know.

Selectman Hoyt offered that most Towns have mutual aid agreements in place.

Gary Clark asked if the Town was liable if Webster PD were to get injured or become involved in an accident while in Salisbury. Chair Herbert said there would not be any Town liability.

Joe Landry asked for clarification. Would Webster PD be running radar in Salisbury? Chair Herbert said they would not be doing that.

Gayle Landry wondered how Webster PD was able to pull someone over on Rt 4 if they were only in Town to get fuel. She believed the agreement was a segue to having Webster PD patrol Salisbury, something she felt one of the Selectman had wanted for some time. Chair Herbert noted the agreement was a standard form, not a segue. The primary test of that was that no money was involved.

Gayle Landry added that the word "mutual" implied that both parties received something. What would Salisbury be giving Webster? Chair Herbert said there was nothing being given in return. Unless the Town voted in March to give money to Webster, there would be no money going to them. The Town already made it very clear that they didn't want that.

Selectman Hoyt noted that he did not want Webster PD patrolling Salisbury and that was a major misconception. He didn't know who started the rumor. Ms. Landry said she had seen it in previous meeting minutes.

Town Administrator Rollins noted that the Town attorney had reviewed the agreement.

Eric Swendsen asked what the benefit was for Webster. Did they collect any fines that were paid? Selectman Walker noted that fines for traffic stops go to the State. Towns didn't get the money. There was no financial incentive for Webster PD to come into Salisbury.

## **5.2 Raffles Rules & Regulations - Permits**

Chair Herbert spoke about NH RSA 287-A, Raffles. The statute requires that those running raffles request a permit from the Town. Until now, the Town had never done that. Chair Herbert said the Town would adopt the policy in accordance with the RSA. There would be no fees involved.

Chair Herbert made a **motion** to adopt the policy. Selectman Hoyt **seconded**. All were in favor. The motion passed.

## **5.3 HVAC System at the Library**

TA Rollins noted that there was an email from the Library Director to the Select Board regarding issues with the filters in the HVAC system at the Library. Since the Selectmen were in charge of the building, they needed to decide what action to take.

Chair Herbert recommended the library contact Huckleberry Propane & Heating Oil for service.

## **5.4 Resignation of Budget Committee (BC) Member - Nancy Hayden**

Chair Herbert noted that BC member Nancy Hayden submitted a letter of resignation, effective immediately.

Chair Herbert made a **motion** to accept the resignation with regret. Selectman Walker **seconded**. All were in favor. The letter of resignation was accepted.

## **5.5 Decorum of Public Meetings**

Selectman Walker noted receipt of an email which expressed concern about the lack of control during the meeting of October 7th. There was an individual who was very upset, causing some people to feel concerned. The other issue raised was on how the disruption was handled. Selectman Walker felt it was fair criticism that needed to be addressed.

Chair Herbert noted that the law was pretty liberal about allowing citizens to speak up at meetings. Normally that takes place during public comments. A year ago, a citizen at another Town was being very argumentative with the Selectmen. The local police were asked to take the citizen out of the meeting. The citizen later sued and collected from the Town as they infringed on his right to free speech. Therefore, it was difficult for the Select Board to ask someone to be quiet. However, if they were truly out of order, he could do that. He could also dial 911.

Chair Herbert recalled a Town Meeting a couple years back when the Town was voting on an issue regarding the School District. During that day, there were several instances which made him nervous. He asked for a Police Officer to be at Town Meeting that night. A State Trooper came and stood by the door. Prior to the evening meeting, Chair Herbert in his role as Town Moderator spoke with the Trooper. In that conversation, the Trooper said he would not remove anyone from the meeting, despite the law that allows the Moderator to request that action. The Trooper explained that his concern was related to what had happened to the other Town and the cost to the Town. They did agree that if a weapon appeared, action would be taken.

Chair Herbert apologized for the tone of the October 7th meeting. It was not something he was able to control.

Gayle Landry asked if the email was available to the public under the Right to Know Law. Chair Herbert confirmed it was.

## **6. Old Business**

### **6.1 Audio for Public Meetings**

Selectman Walker read from RSA 91:A-2,III(c):

*Each part of a meeting required to be open to the public shall be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting.*

Selectman Walker also referred to Title 2 of the ADA and added that masks were making hearing matters worse.

Selectmen Walker said that he and Chair Herbert located and examined the equipment available at the Town Hall that had been purchased for Old Home Day. It was deemed inadequate for the current needs. Selectman Walker said he would like a system which would provide a microphone for each Selectman, a microphone for the Town Administrator, and a microphone for the general public.

Selectman Walker investigated new audio systems available. He found a system for about \$300 that would allow for multiple microphones. It included an amplifier with an output port to which an audio recording device could be attached. There were two microphones at the Town Hall. Some cabling would be needed.

It was noted that CARES funds were no longer available to cover the cost. TA Rollins said she would work with the Bookkeeper to find an appropriate budget line to cover the purchase. She also suggested that Selectman Walker either purchase the system and then provide receipts, or he provide the details of the system for the Town to purchase directly.

Chair Herbert asked Kathie Downes if the audio equipment in the Town Hall was owned by the Town. She confirmed it was. She added it was purchased many years ago.

Chair Herbert made a **motion** to approve up to \$500 for the purchase of an audio system. Selectman Hoyt **seconded**. All were in favor. The motion passed.

## **7. Selectmen's Reports**

### **7.1 Budget Update**

Selectman Walker spoke about the Police Equipment Capital Reserve Fund. Earlier, he had expressed concern about it after the recent purchase of driver feedback signs. Now, he was rescinding that concern. He noted that in researching the fund's purpose, he found it was not specific to the purchase of vehicles, but was a general police equipment fund instead.

### **7.2 Warrant Article Tax Impact**

Selectman Walker read from RSA 32:5,V(b)

*Any town may vote to require that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article. The determination of the estimated tax impact shall be subject to approval by the governing body.*

Selectman Walker suggested that the tax impact could be stated in the Town Report, showing the tax impact per thousand. That would allow citizens to understand the tax impact of voting in favor of warrant articles.

Selectman Walker noted it was not yet clear if the Town had to first vote to adopt the RSA. If so, it could be presented as a warrant article at the next Town Meeting.

A member of the public asked if the RSA applied to all Towns or only those under SB-2. Selectman Walker read it as being for all Towns.

### **7.3 Police Equipment CRF**

Chair Herbert brought the conversation back to the purchase of street signs. The money was taken out of the

Police Equipment CRF. Since controlling traffic speeds was a policing action, the board felt it was appropriate to use the funds in that CRF.

Selectman Walker was surprised to see that the CRF existed when there hadn't been a police department for many years. He suggested that a warrant article be presented at the next Town Meeting to close the CRF and return the money to the taxpayers.

Chair Herbert asked if the Police Department had been dissolved or if the Town just hadn't hire anyone. A member of the public suggested it had just been suspended.

## **8. Town Administrator's Report**

TA Rollins had nothing to report.

## **9. Public Comments**

### **9.1 Penacook Rescue**

Marcia Murphy asked if any money had been paid to Penacook Rescue. TA Rollins said that no money had been paid. She had emailed the Penacook Fire Chief who was supposed to set up quarterly payments but that hadn't happened yet. He was going to contact the Fire Commissioner to see if they would send a bill for the first six months. That hadn't happened either. She was waiting. The line items is \$75,000 and she believed the bill would arrive before the end of the year.

### **9.2 Cemeteries**

Marcia Murphy asked about cemetery maintenance. Again, no invoice had been sent to the Town yet.

Eric Swendsen commented that the weeds were very tall. He also noted that there was a right-of-way through his driveway to the cemetery; he was concerned that people might just plow through his yard to gain access. There was no excuse to not be able to access the cemetery.

Mr. Swendsen asked if the Town would have an issue with him, being the adjacent landowner, doing a little bit to keep the area looking semi-respectable for the forefathers. Selectman Walker commented that he would like Mr. Swendsen to sign a liability waiver.

Chair Herbert said he would bring up the issue of cemetery care with the Cemetery Trustees.

Kathie Downes noted that some cemeteries needed to be maintained several times a year, others needed to be maintained less often. The agreement stated the details.

TA Rollins said she would send the Select Board a copy of the cemetery care agreement. Also, she would ask Rick Chandler, Chair of the Cemetery Trustees, to ask JJ to provide an invoice.

### **9.3 Budget Committee**

Kathie Downes asked what the plan was in regards to the vacancy in the Budget Committee. Would it remain vacant? It was noted that the Budget Committee can make a recommendation to fill the seat.

### **9.4 Police Mutual Aid**

Gene Shaw asked if each neighboring Town had an agreement with Salisbury. Chair Herbert noted the agreement referenced was with Webster only. Selectman Herbert felt it would be good to get an agreement with Andover.

Kimberley Edelmann asked what would happen if Franklin PD was in Salisbury and happened upon an accident. Was that another example of when a mutual aid agreement would be good to have? Chair Herbert believed Franklin would do the right thing, then the State Police would arrived. He believed an agreement would be good to

have in place.

Kathie Downes noted that in the past, mutual agreements were in place. She recalled they were renewed regularly. A member of the public believed it was worth reaching out to each neighboring Police Department.

### **9.5 Apology**

Michael Sanborn asked to take a moment to publicly apologize for his intensity at the meeting of October 7. He said he did not intend to make anyone feel threatened. He said he cares about the Town, he cares about the people. He was sorry.

Chair Herbert thanked Mr. Sanborn.

Eric Swendsen seconded that and wanted to add his own name.

### **9.6 Public Comment**

Speaking to the public, Joshua Nixon said he was the person who sent the email. Speaking to the Select Board, he said there obviously was a lot of compassion in the room. He noted that they Board sat there as officials which the Town elected to the will of the Town. Yet, they were not giving people the opportunity to speak up when they were voting on things. Public Comment at the end of a meeting was too late for the public to have their say in matters upon which the Select Board had already voted. He felt this was the wrong way to do business.

Chair Herbert thanked Mr. Nixon for his comment. He also noted that the Town votes on matters at Town Meeting. The items voted upon during the meeting were not matters for the Town to vote upon. The Select Board was elected to do that work.

Selectman Hoyt said he had no problem with listening to what the public wants to says. Mr. Nixon said he felt that was what the public wanted. Chair Herbert said the Board was not trying to go against what the public wanted. However, it was a meeting of the Board of Selectmen.

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

Chair Herbert made a **motion** to go into nonpublic session at 6:53 pm. Selectman Hoyt **seconded**. Roll call: Herbert - AYE, Hoyt - AYE, Walker - AYE.

The Board reconvened the public session at 7:03 pm.

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**

No other business was conducted.

Chair Herbert made a motion to adjourn. Selectman Hoyt **seconded**. All were in favor. The meeting was adjourned at 7:05 pm.

### **13. Next Meeting**

Wednesday, November 4, 2020 @ 6 p.m.

Respectfully submitted,  
Kimberley Brown Edelmann  
Recording Secretary

*These meeting minutes were reviewed and accepted on November 4, 2020.*

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*Selectmen, Town of Salisbury*