



# Salisbury Board of Selectmen

## Meeting Minutes

August 18, 2021

**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 Edelmann	Present

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**Attendees:** Several citizens attended the meeting in person at the Town Hall. One member of the public attended part of the meeting via Zoom.

### 1) Open Meeting

Chairman Brett Walker opened the meeting at 7:02 pm.

### 2) Meeting Minutes

Chairman Walker requested one correction to the minutes of August 4, 2021 in section 6B, noting that he and Bill MacDuffie Jr had met with a Sebright representative and not he and Bert LaFlamme as written. The Chairman then made a **motion** to accept the corrected meeting minutes of August 4, 2021. Selectman Herbert **seconded**. The **motion passed** with all in favor.

### 3) Signatures

Chairman Walker noted that the Board reviewed and approved the Accounts Payable & Payroll Registers. These are available for Public Inspection.

### 4) New Business

#### a. Letter from Andover & MVDS Re: Oil / Propane Prices

SAU #46 awarded Huckleberry Propane & Oil the 2021 - 2022 fiscal year bid at \$2.275 firm per gallon. The Town offices of Salisbury and Webster were listed in the RFP.

## b. State Police Statistics July

Chairman Walker read the NHSP stats for July, shown here. No comments followed.

Type of Call	#		Type of Call	#
Assist Motorist	1		Medical Assist	2
Checkup	4		Property Found	1
Civil Stalking	1		Restraining Order Service	1
Animal Issues			Shots Fired	1
▶ Complaint – Animal	1		Suspicious Activity Drugs	1
▶ Complaint – Animal Bite	1		Suspicious Motor Vehicle	1
▶ Animal Disposal	1		Traffic Stop	18
Department Assist / Detail Required	1		Welfare Check	1
Hazardous Operator	1		<b>Total Calls</b>	<b>37</b>

## c. Offices Closed Labor Day

Chairman Walker reported that the Town Offices would be closed on Monday, September 6, 2021 for Labor Day.

## d. Loverin Hill Road

Chairman Walker read an email from Joyce Rose, received on August 16, 2021, into the record:

*Hello,*

*It appears that someone is attempting to construct a gate to prevent access to our property on Loverin Hill Rd. There are 2 wooden posts on either side of the road and they have put rocks beyond the posts so we can not go around the posts. This has been a long standing issue for Al and Cindy Romano, that we access our land. If they attempt to restrict access with a cable or gate we will need the support of the Town to remove whatever restriction they install. I would ask that some official from the Town of Salisbury make both Al and Cindy aware that they can NOT block off access as soon as possible. I would hate for there to be a situation where either Chuck or myself would have to remove the gate in order to access our land. We are mowing our field today and throughout this week so any restriction will need to be dealt with immediately.*

*Please keep us informed of how the Town chooses to deal with this.*

*Thank you*

*Joyce Rose*

Chairman Walker noted that both the Roses and the Romanos were present in the room. He asked if either had further comments.

Al Romano asked why the Town was getting involved in a civil matter. Chairman Walker noted the Town had received an email and that was why it was on the agenda. Mr. Romano commented that the situation, described as a continued problem of blocking access to the Rose's property, was mischaracterized. He said they had talked with Chuck Rose in the past and discussed potential placement of gate which Mr. Rose requested by at least 12 feet

wide. However, whether the Romanos must provide access to the Roses' property was not determined and was not one which would be determined by the Selectboard.

Chairman Walker reported that he looked at the file and past issues raised since 2003 / 2004. His position was that it was a civil matter as the road was privately owned. He also believed that there was a clear right-of-way for Chuck Rose as documented in paperwork of 2004 from the Romano's attorney. However, the Selectboard had no authority in the matter.

Chuck Rose interjected that no one seemed to have authority. He had people who want to go onto his property to enjoy the view, go hunting, do whatever, but they couldn't because Al Romano was the gatekeeper.

Chairman Walker recommended that the matter be handled in court. There was no action the Town could take.

Town Administrator April Rollins noted that gates can't be locked.

Chairman Walker noted that in 1975, there was a Warrant Article voted at Town Meeting where the road was discontinued while specifically preserving right-of-way for abutters. Mr. Romano added that the minutes noted that Town Council spoke about the access for abutters; it was not in the Warrant Article.

Mr. Romano took issue with the Selectmen's conclusion of the Gates & Bars law which applied to Class IV roads and not private property. TA Rollins noted that locking a gate would be a potential liability to the Romanos as land owners.

Mr. Romano claimed Chairman Walker said way more than he needed. Chairman Walker said he could say what he wanted and that his words held no weight.

Joyce Rose asked if they had the right to access their land. Chairman Walker said that, in his opinion, they did, but in terms of damages and all of that, a court of law and a judge would have to settle that. If it were a Class IV road, it would be a very different discussion.

Mrs. Rose shared that the land was a beautiful 500 acres, with a camp. They would continue to use it. She would like to invite everyone to use it. There was a stunning view and it was one of the sweet spots in Salisbury. She would love to share it with everybody. Al Romano added that there were three public accesses to the land.

Mrs. Romano asked what right Mrs. Rose had to invite the public across her land. Mr. Romano asked while the Roses had access, did the entire Town also have access? Chairman Walker replied that the court would need to decide that.

A member of the public noted that some of the land was under conservation easement and asked how that changed access. Mr. Romano confirmed that and said he could post the land if he wanted to, but that he had chosen not to.

Mr. Rose asked if the road could be turned back into a Class V or VI road. Chairman Walker said that was a question he would take to the Town Attorney. TA Rollins believed it would involve a petition and then a review by the Selectboard. Mr. Romano noted that that only applied to Town property, not private property.

Mr. Romano noted that there were two Class VI roads that accessed the Roses' property; Plains Road and Heath Highway. He added that since the road in question was on private property, it was actually only a trail.

Another neighbor on Loverin Hill Road asked if he was allowed access to the road. Chairman Walker stated that as he understood it, it was not accessible without landowner permission. Discussion back and forth took place in among the public.

With permission of the Chairman, Mr. Romano addressed the public. “We’ve owned the property for 18 years. We’ve had issues with vehicles, ATVs, mudders, a lot of different people tearing up the road, going down there, coming in late at night, early in the morning, terrifying our horses. We’ve asked people to just slow down. In 18 years, we have not prevented people from enjoying the flood plain. We allow people to park at the turnaround and walk in. It’s not my intent to change any of that. And Chuck, it’s not my intent to keep you from logging your property.”

Discussion continued between Mr. Romano and Mr. Rose, which Chairman Walker requested the continue outside so that the meeting could proceed to the next topic.

#### **e. Donations RSA 31:95-e**

TA Rollins shared that the Town had received an anonymous donation of two wooden picnic tables valued at \$299.98. Chairman Walker made a **motion** to accept the donation as described. Selectman Herbert **seconded**. The **motion passed** with all in favor. The tables would be placed at the ballpark.

### **5) Department/ Board Committee Updates**

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

Road Agent Bill MacDuffie Jr noted that he had not yet been able to do further investigation regarding the location of the Town Hall septic system. He hoped to get to that soon.

Selectman Herbert asked when work on Raccoon Hill Road would begin. RA MacDuffie noted that numbers for the Raccoon Hill Road project were not known yet. He added that it was currently difficult to get materials.

#### **b. Town Clerk / Dog Licenses**

Chairman Walker read a recently received memo to the Selectboard from the Town Clerk into the record:

*I am writing this letter to simply inform you that I have handed the list of residents and their dogs that have not been registered to Sheriff David Croft. He plans to visit people in the next few days. He will be charging the town the same \$25.00 per hour he charged for Old Home Day. In accordance with the state, this bill can be paid out of the dog licensing fees, so that is what I will plan to do once the bill is received.*

#### **c. Old Home Day Committee Met on 8/18**

Selectman Herbert reported that the Old Home Day went well. There was a good crowd. The only complaints he heard were relatively minor; the speaker system didn’t work and signs that should have been made weren’t. Everyone was happy. Some of the vendors weren’t happy.

Fire Chief Bill MacDuffie Jr reported that the Fire Explorers had a really good weekend.

Chairman Walker noted that the White Elephant table did the best they’d ever done. Selectman Hoyt didn’t understand why some of the vendors had a problem. Selectman Herbert said the car show went really well with over 20 cars. However, Salisbury was competing with two other car shows, one of which was huge up north. He also noted that the Firemen’s Muster went very well and Salisbury won.

#### **d. Planning Board met on 8/16**

Selectman Herbert reported that the Planning Board was still working on procedures which would require

applicants to come in front of the Board for an informal conversation before filing an application. Once wording was agreed, citizens would be asked to vote on the change at Town Meeting.

#### **e. Zoning Board met on 8/12**

TA Rollins provided an update. She noted that the ZBA had an application for variance for a shelter on Plains Road, right after the last house which was Dave Merwin's property. The application was approved.

Before that application was heard, David Hostetler spoke as an abutter to the property addressing a property line adjustment resulting from a survey done in September 2018 that was never updated on the Town's tax map. TA Rollins had since found the registered survey at the Merrimack County Registry and would provide a copy to Cartographics to get the tax map updated accordingly.

### **6) Old Business**

#### **a. Generator Bids**

Chairman Walker expressed concern regarding the purchase of a generator without knowing which trash compactor would be selected. Selectman Hoyt was concerned that the prices would increase if they delayed too long. Selectman Herbert expressed a desire to get moving.

Chairman Walker made a **motion** to accept the \$22,700 bid from The Generator Connection. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

Regarding the compactor, Chairman Walker asked TA Rollins to forward all of the information gathered about various compactor models to the other Selectmen.

Chairman Walker commented that after the conversation with the Sebright representative, he went back to Global and asked if they had a dual cylinder compactor similar to what Sebright quoted to see what their pricing was. It would definitely cost more, but it would provide more capacity and would allow the compactor to service the Town for a longer period of time before changes would be needed. Meanwhile, another quote arrived from Sebright earlier in the day for a heavy duty unit, but it was way beyond what the Town could afford.

Chairman Walker noted that prices were going up. The latest quote from Global included a steel surcharge of almost \$2,700. The numbers still worked within the budget, but the decision of which compactor to go with was still not made. Chairman Walker believed a dual cylinder model would be the best to go with.

#### **b. Collateralization Agreement - Franklin Savings Bank**

TA Rollins reported that the agreement was forwarded to and received by the Town. Selectman Herbert noted that it was open-ended; there were no deadlines or end dates.

### **7) Selectmen's Reports**

#### **a. American Rescue Plan Act**

Selectman Hoyt reported that TDS was set on their end. Everything was ready to go. Now, TDS was waiting on the Public Utilities Commission to make sure all the poles could take the extra lines. They needed to assess if some of the poles needed to be replaced. Also, CCI needed to complete paperwork which would relinquish lines to TDS.

Selectman Hoyt also noted that he reached out to Senator Harold French and asked him to get in touch with

someone in the Governor's office, which he did, who then called Scott Brooks at TDS. Selectman Hoyt said he hoped it would help get things done a bit quicker. He was hoping for installation within months instead of next spring.

**b. American Red Cross - Blood Drive 8/21 from 9 am to 2 pm @ Town Hall**

Selectman Hoyt reminded citizens that the next ARC Blood Drive was scheduled for the following Saturday at the Town Hall. He noted that 25 people had registered for the event. He hoped to have some walk-ins as well.

**8) Public Comments**

**a. Dog License Enforcement**

Bill MacDuffie Sr asked what it was going to cost the Town more to try to collect the money than what the Town will get from the dog licenses. Chairman Walker said it would not. TA Rollins added that some of the notices had to be sent by certified mail at \$16 and the fine was \$25, which was not going to be charged during this first year of enforcement. Dog owners would only be charged for the certified mail, however eventually it would become a source of revenue.

Selectman Herbert asked how many were being turned over to the Sheriff. TA Rollins felt it was over 80, adding that the year before COVID-19 the number of unlicensed dogs was much lower.

Selectman Herbert shared that the Town Clerk had gone out of his way to try to contact dog owners who had failed to license their dogs. Those who hadn't done so should not surprised when the Sheriff knocks on their door.

**b. Town Hall Kitchen Sink**

Dora Rapalyea alerted the Selectboard to the fact that the faucets in the kitchen of the Town Hall were not in good working order. One was not functioning at all. She requested they consider replacing them, ideally with tall faucets which would facilitate the cleaning of large pots. Better yet, she'd like one with a pull out sprayer. Selectman Hoyt said he would address the request.

**c. Town Hall Windows**

Ms. Rapalyea also noted that the Town Hall windows did not have any dressings. She recommended that shades be put up and thought the accordion style shades might look nice. Selectman Hoyt believed that kind of shade would cost \$70 a piece. Sharon MacDuffie suggested that a fundraiser could be held to help pay for the shades. Chairman Walker and Selectman Hoyt both supported getting pricing.

Selectman Herbert noted that the windows themselves were in terrible shape. They would need to be addressed at some point as well.

Selectman Hoyt committed to obtaining pricing for both the faucets and the window shades.

**9) Town Administrator's Report**

**a. Maplewood Playground - LWCF Grant Update & Signing of Approved Plans**

TA Rollins noted that the state inspection was completed. Reporting would follow. An official ribbon cutting ceremony was scheduled for Saturday September 11 before the fireworks. There would also be a pick-up flag football game.

#### **b. Small School Study – 8/24/21 @ 7 p.m. Town Hall**

TA Rollins reported that Louise Andrus was holding a public meeting at the Town Hall on Tuesday, August 24. Ms. Andrus wanted to know if a microphone and amplifier could be borrowed from the Town for the evening event. Chairman Walker noted he would be comfortable with that as long as a Town employee moved and set up the equipment. TA Rollins said she would take care of that and that she'd let Ms. Andrus know.

#### **c. Unknown Properties**

TA Rollins reported that she discussed the issue of unknown properties with the NHMA. She was advised to discuss the issue with Town Counsel who may be able to provide assistance through a probate court finding or additional deed research. They might have a different process or solution for those three parcels. She requested the Board's consent to reach out to the legal team.

Chairman Walker noted that he also spoke with the NHMA and received the same answer. He did not want to spend more on legal fees than what the Town would receive in tax revenue from the properties. He did not pursue the issue further.

TA Rollins noted that a resident had contacted the Town asking if one of the properties couldn't be seized as it was landlocked. Chairman Walker noted that if it was seized, the Town could then sell it.

Chairman Walker and Selectman Herbert agreed that an initial discussion with Town Counsel would be good. Selectman Herbert also felt a discussion with a realtor who understood deeds might be a good way to move the property. Tax Collector Gayle Landry noted that title research would be required as well as a lot of noticing. She said the taxes from those properties would be under \$600 per year.

TA Rollins looked forward to finding out what process the lawyers would recommend. She said there were no references to the properties. They were identified during a reval year.

It was noted that three properties being discussed were 13, 1.8 and 1 acre in size. Chairman Walker believed one of the lots actually belonged in Andover. The 13 acre lot was landlocked. Selectman Herbert added that the 1+ acre lot was along Rt 127; the resident was looking at that one.

#### **d. Meetings Start Time**

TA Rollins noted that the Selectboard had moved their meetings to 7 pm for the summer and asked if they wanted to return to 6 pm meetings. Chairman Walker wanted to stay at 7 pm. The other selectmen agreed that was good.

#### **e. Cemetery Maintenance Invoices**

TA Rollins noted that invoices from JJ had arrived. They contained a good level of detail, as requested.

#### **f. Eldest Citizen / Boston Post Cane**

Dora Rapalyea addressed the board about the Boston Post Cane. She confirmed that Isabelle Laraia would be turning 103 years old on August 23, 2021. Isabelle's younger brother, Dr. Paul Laraia, was delighted to hear that Isabelle would be receiving the cane.

Chairman Walker and TA Rollins would arrange a visit to the Laraia household to present the Boston Post Cane.

#### **g. Old Home Day Vendors**

Dora Rapalyea shared that in the past, vendors paid \$10 to \$15 for their spots at the Old Home Day. Or they gave donations. She felt they should be paying something. Someone from the Historical Society took on the task of collecting fees & donations from the vendors.

#### **10) Non-Public Session 91-A:3(b) and (a)**

**Motion** to enter non-public by Chairman Walker, **seconded** by Selectman Hoyt, Roll Call – Hoyt, aye, Walker, aye, Herbert aye.

The Board entered non-public session at 7:43 p.m. and voted unanimously to reconvene the public session at 8:09 p.m.

Chairman Walker announced that under subparagraph (b), the Board voted unanimously voted to hire Jennifer King as the Planning, Zoning & Budget Committee's Recording Secretary at \$18 dollars per hour effective 8/12/21. The minutes were not sealed.

Chair Walker announced that the Board approved (2 voted in favor, 1 opposed) a pay rate increase from \$17 an hour to \$19 an hour for the Municipal Assistant, Kimberley Edelmann effective at the beginning of the next pay period.

Chairman Walker made a **motion** to seal the non-public session meeting minutes for subparagraph (a). Selectman Hoyt **seconded** the motion and the **motion passed** unanimously.

#### **11) Next Meetings**

The next two meetings were scheduled for the first & third Wednesdays of September at Academy Hall at 7 pm.

#### **12) Adjournment**

Chairman Walker made a **motion** to adjourn the meeting at 8:11 pm. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

Respectfully Submitted,

Kimberley Brown Edelmann  
Recording Secretary

*These meeting minutes were reviewed and accepted on MONTH DAY YEAR.*

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*Selectmen, Town of Salisbury*