



Salisbury Board of Selectmen

Meeting Minutes

March 17, 2021

Approved

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

Attendees: Over 20 citizens attended the meeting in person at Academy Hall. Several members of the public attended via Zoom.

Moment of Silence: Prior to opening the meeting, Chairman John Herbert invited attendees to join in a moment of silence for contemplation, prayer or reflection in recognition of the recent passing of former Town Clerk and Salisbury resident Lisa May Cornwell Cotter.

1) Open Meeting

Chairman John Herbert opened the meeting at 6:04 pm.

2) Town Hall Rental

Chairman Herbert made a **motion** to waive the Town Hall rental fee for a planned Celebration of Life for Lisa Cotter. Selectman Walker **seconded**. The **motion passed** unanimously.

3) Meeting Minutes

Selectman Walker made a **motion** to accept the meeting minutes of March 3, 2021. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

4) Signatures

Chairman Herbert noted that the Board reviewed the Accounts Payable and Payroll Registers.

The Selectboard reviewed two timber reports. The first from Fred Hill, Tax Map 206, Lot 1 in the flood control area. The other was from Sharon Stearns for Tax Map 204, Lot 1 on Mill Road.

5) New Business

a. Appointment of Selectboard Chairman

Chairman Herbert noted that Town Elections had taken place the week before. He congratulated Selectman Brett Walker on winning the open Selectman's position.

Selectman Jim Hoyt made a **motion** to appoint Selectman Brett Walker as the Chair. Chairman Herbert **seconded** the motion. The **motion passed** with all in favor. Newly appointed Chairman Walker chaired the remainder of the meeting.

b. Board & Committee Assignments

Chairman Walker noted that the Selectmen sat on different boards and committees and that they reviewed the assignments each year after Town Elections.

Budget Committee - Chairman Walker said he would like to remain on the Budget Committee. Selectman Hoyt made a **motion** to keep Chairman Walker on the Budget Committee. Selectman Herbert **seconded**. The **motion passed** with all in favor.

Planning Board - Chairman Walker made a **motion** to keep Selectman Herbert on the Planning Board. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

Old Home Day Committee - Chairman Walker made a **motion** to have Selectman Hoyt sit on the Old Home Day Committee. Selectman Herbert **seconded**. The **motion passed** with all in favor.

c. Library Trustees

Chairman Walker noted that correspondence had been received from Michelle Carr, Chair of the Salisbury Free Library Trustees. In the letter, she explained that due to an oversight and misunderstanding on the part of the Library Trustees, there were 2 seats which should have been on the March 9 ballot but were not. Therefore, in accordance with RSA 202-A:10, the Trustees were requesting that the Selectboard appoint two people to fill the seats.

Chairman Walker made a **motion** to appoint Christine Dixon and Kathleen Anderson as Salisbury Free Library Trustees. Selectman Herbert **seconded**. The **motion passed** with all in favor.

A second letter requested that Cheryl Bentley be appointed for one year as a Library Trustee Alternate. Chairman Walker made a motion to appoint Cheryl Bentley as a Library Trustee Alternate. Selectman Herbert **seconded**. The **motion passed** with all in favor.

d. Mango Security

Town Administrator April Rollins explained that the Town's points of contact needed to be updated. These are the people who would be contacted in the event of a building alarm activation. Currently, TA Rollins and Selectmen Hoyt were on the list. She recommended that Chairman Walker also be added to the list. Chairman Walker agreed to be added.

6) Department / Board / Committee Updates

a. Road Agent / Fire Chief

RA / CF Bill MacDuffie Jr said he had nothing to report.

TA Rollins noted that they had not heard back from Bar Harbor about ambulance billing account.

TA Rollins noted that the Town was still investigating options for door lifters for the Safety Complex.

b. Transfer Station

The Selectboard wants to review and possibly adjust the Fee Schedule for the Transfer Station. A Public Hearing will be scheduled. Chairman Walker noted that he liked the idea of “Pay to Play” which works well with construction debris, however, he was concerned some people decide to dump in the woods than pay a fee at the Transfer Station. For 2022, he would like to consider eliminating fees all together and increasing the Transfer Station budget accordingly to cover the decrease in revenue.

TA Rollins noted that plastics were on the fee schedule but were no longer being taken. She would update the schedule.

7) Old Business

a. 863 Old Turnpike Road

Chairman Walker provided an update on the NeuroRestorative situation and the concerns that the abutters expressed in a letter to the Selectboard and at the most recent meeting. Since then, the Town of Salisbury contacted NeuroRestorative, the Town Attorney, the Town Building Inspector, and DHHS.

Issues that had been raised included trespassing; questions about whether the facility had a valid certificate of occupancy, a valid driveway permit, and a valid license to operate; and whether the residence was operating within the terms of a contract with DHHS. The abutters had asserted that had the Planning Board, Zoning Board and Town Attorney obtained a copy of the contract with DHHS, the facility could have been stopped.

Chairman Walker asked Jessica Farrell if there had been any additional trespassing episodes in the past two weeks. Mrs. Farrell noted that no employees had come onto their property, but several contractors had. Yesterday, a very large recycling vehicle trespassed. She was concerned about the potential danger to her children.

Chairman Walker said he entered “863 Old Turnpike Road” into the GPS in his vehicle. It resulted in the correct location. However, the GPS in his telephone placed him at 804 Old Turnpike Road. He believed inaccurate GPS could be one reason for the trespassing. He asked that everyone hit the “Suggest an edit” button on Google Maps believing that if more requests were received, Google would be more likely Google to make corrections and move the pin.

Chairman Walker said that the Town heard from Heidi DeKok from NeuroRestorative. They have put very large house numbers at the end of the driveway. They have illuminated them. They put two red flags up, orange cones and reflectors. They have informed their staff with a better description of the location.

Chairman Walker offered to put Mrs. Farrell in contact with Heidi DeKok. NeuroRestorative has offered to reimburse the Farrells for signage. Jessica Farrell shared that it was Pat Ciarfella with whom she had been talking, but appreciated the additional contact.

Chairman Walker next referenced the December 26, 1980 NH Supreme Court decision in the case of Region 10 Client Management Inc v. Town of Hampstead. There were two salient points:

1. “The statutory scheme of placing developmentally-impaired persons in various locations throughout the State carries out a State policy that cannot be frustrated by local zoning restrictions.”
2. “....for all practical purposes the residents constituted a single family.”

The second point was important as from a statutory point of view, the facility was considered a single family home, not an assistant living facility. They have a valid occupancy permit signed Jan 25, 2021 for a single family home.

Chairman Walker also noted that the property has a valid NH DOT Driveway Permit for a single family residential drive dated February 14, 2018.

Chairman Walker addressed the fact that the property was not on the DHHS database as it was not an assistant living facility; it was a residential home with residential placement. Chairman Walker spoke with DHHS Licensing Database Administrator Marilee Curran. The property is not on the public database as it is considered confidential. The State of New Hampshire only

licenses a residence if it has more than four beds. Four beds or less, it is administered by the Division of Developmental Services (DDS) or the Division of Behavioral Health (DBH). There are ten area agencies that certify and manage the residential homes. The licensing and certification is their responsibility. However, again, the residence is confidential. The home is contracted with the two local agencies – Gateways Community Services and Monadnock Developmental Services. Those agencies maintain the certificates. The contract also noted that NeuroRestorative does not get paid if they are not certified.

Chairman Walker found that the residential home was fully in compliance.

Chairman Walker said the Town Attorney and he both reviewed the contract NeuroRestorative had in place with Gateways Community Services. The cover letter of the contract was dated January 8, 2021. Nowhere in the contract were zoning laws referenced. Chairman Walker noted that the single family home was meeting all of the zoning requirements of the Town of Salisbury. There was no need for a variance or special exception. He added that the Town could not compel NeuroRestorative to do anything beyond what was stated in the ordinances. The Town could not compel them to put up signs. What the Town did do was reach out to NeuroRestorative and encourage them to work with their neighbors.

Chairman Walker concluded by noting it was not a case of the Zoning Board failing, or the Planning Board failing, or the Selectboard failing or the attorney failing. The law simply states that it's a single family home and the Town must treat it like every other single family home. Ultimately, any issues need to be handled by the neighbors as the Town has no statutory ability to compel anyone to do anything.

b. TDS Update

Selectman Hoyt said he contacted Comcast and learned that Flaghole Road and Humphrey Road have access to internet at speeds up to 1,200 mb.

Selectman Hoyt received a new price from TDS to put in fiber on just North Road and Montgomery Road – \$120,000. TDS said they would not be contributing to the cost. Selectman Hoyt noted that the American Rescue Plan that was coming out had funds which were restricted in use. Once allowed use was for broadband. Using those funds, the TDS project could be fully covered with no cost to the Town. Selectman Hoyt noted there were 28 names on the list for North Road and Montgomery Road.

The Town of Salisbury was expecting to receive a little over \$143,000 from the American Rescue Plan. The \$23,000 remainder would need to be returned if not used. Selectman Hoyt felt those funds should be given to the first responders; another allowed use.

Chairman Walker suggested not making any motions at the time. There was a still a question about how and when the money would be received. He shared that there were only four things the funds could be used for by the Town:

1. To respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses and nonprofits, or aid to impacted industries such as tourism, travel and hospitality
2. For the provision of government services to the extent of the reduction in revenue due to the public health emergency relative to revenues collected in the most recent full fiscal year
3. To make necessary investments in water, sewer or broadband infrastructure, or
4. To include premium pay for eligible workers performing essential work during the pandemic

Chairman Walker noted that the bill has substantial other money for direct aid to individuals, PPP loans and grants. He noted some people have asked if the money can be used to reduce taxes. The bill states that States and local governments are prohibited from using the money to fund pensions or to offset tax cuts enacted after March 3, 2021.

A member of the public asked if the cistern maintenance be considered “water”. Each year, the Town has to come up with more money for the cisterns. Chairman Walker noted that that was a very good question and deserved looking into.

On a personal level, Chairman Walker said he felt the American Rescue Plan was a big waste of money and a disservice to the next generation. However, as a Selectmen, he said the Town would not be returning the money and would use all of it. He noted there were also funds available for transportation and the Town would try to get some of that for road work, possibly using Federal money to get the Safety Complex parking area paved as well as a road.

Jim Zink-Mailloux asked what the deadlines were for application for funds. Chairman Walker didn’t know yet. At the moment, they were putting together the Christmas wish list which would be forwarded to Senator Harold French.

Selectman Herbert noted that the bill was 100’s of pages long and talked about funds that would go in 1000’s of different directions. He expected it would take time for the NH Municipal Association to sort through it all.

A member of the public asked if the Selectboard would know more by Town Meeting. Chairman Walker believed they would have the money by then.

A member of the public asked if the broadband Warrant Article would change. Chairman Walker noted the article would be rescinded. The Town would not vote on the TDS installation. The letter of agreement with TDS would be signed and it would be paid for by the funds.

A member of the public asked if the funds could help pay for getting power to the Transfer Station. The answer was no. Selectman Hoyt added that only funds the Town would be able to get would cover broadband and transportation.

Chairman Walker shared that he encountered Zoom call problems when trying to attend the Northern Border Regional Commission grant webinar. However, he did learn that grant opportunity did not apply to Merrimack County.

c. Town Hall

Selectman Hoyt noted that recently the water softener in the Town Hall ran out of salt. He recommended the softener be placed on a maintenance schedule, at least quarterly. The UV light also needed to be replaced. It should be replaced every year. The carbon filter needs to be replaced every six months. Selectman Hoyt noted that even if the building is not being used, water is cycled through the softener.

d. SB 99

Chairman Walker shared that Senate Bill 99 relative to the amount of meals and rooms tax revenue that is distributed to municipalities passed. It still needed to be voted on at the House. The House will be addressing it on April 8. The bill removes the annual increase limit on the distribution of the meals and rooms tax revenues to municipalities so that 40 percent of net revenues would be distributed annually. Currently, 22 percent is distributed. If the bill passes, the Town would receive over \$120,000 more in revenue each year.

8) Public Comments

A member of the public asked if the Selectmen who are members of other boards / committees could provide updates to the citizens who attend the Selectmens’ meetings.

A member of the public asked if there was a Town Moderator. Jim Zink-Mailloux noted that Seelye Longnecker is the Moderator for the Town Meeting. After Town Meeting, she would decide whether or not to stay in the position.

Eric Swendsen asked for guidance about who to contact in Concord regarding bills. Chairman Walker suggested writing to NH State Representatives Louise Andrus and Natalie Wells, both of whom represent Salisbury, in reference to Senate Bill 99 which was a property tax relief bill.

A member of the public asked if TDS knew when they would be able to install broadband. Selectman Hoyt noted that nothing

was set in stone. However, Scott Brooks from TDS believed they could get the materials in time for installation “before snow flies”.

Karen Currier, attending via Zoom, commented that the new speaker was better and it was easier to hear the meeting. She also wanted to thank Chairman Walker for the work done regarding the NeuroRestorative situation. She asked if there was a status update regarding the Webster Police Department agreement. Selectman Hoyt shared that he had spoken with the Chief of Police. There was one line in the agreement regarding employment that needed to be changed before signing. Since the Town of Salisbury didn’t have a Police Department, the sentence needed to be removed. The name of the Sheriff also needed to be updated. The agreement would give Webster the authority to act if they are in Town and see something.

9) **Emerald Ash Borer**

Selectman Hoyt observed that there were a lot of trees in Salisbury which were losing their bark. Investigating, he learned that they are suffering from damage caused by the Emerald Ash Borer.

From 2000 to 2020, the Emerald Ash Borer was closely tracked. While there was nothing that could be done for the trees, Dave Dudley from USDA APHIS Plant Protection & Quarantine planned to visit Salisbury and map the affected areas.

Selectman Hoyt noted that the infected trees would die due to the damage caused.



10) **Nonpublic Session**

Chairman Walker made a **motion** to enter non-public session per RSA 91-A:3 II(b). Selectman Herbert **seconded**. Roll call: Walker - AYE, Herbert - AYE, Hoyt - AYE. The **motion passed** with all in favor. The Board went into non-public session at 6:45 pm.

At 6:56 pm, Chairman Walker made a **motion** to enter back into public session, **seconded** by Selectman Herbert. The **motion passed** with all in favor. The minutes were not sealed.

11) **Adjournment**

Chairman Walker noted that in the nonpublic session the Selectboard voted to appoint Karen Donaldson as the Town Treasurer.

Chairman Walker made a **motion** to adjourn the meeting. Selectman Hoyt **seconded**. With **all in favor**, the meeting was adjourned at 6:58 p.m.

Respectfully Submitted,

Kimberley Brown Edelmann
Recording Secretary

These meeting minutes were reviewed and accepted on April 7, 2021.

Selectmen, Town of Salisbury