



Salisbury Board of Selectmen

Meeting Minutes

June 16, 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: 10 members of the public attended the meeting in person at the Academy Hall, 3 attended via Zoom.

1) Open Meeting

Chairman Brett Walker opened the meeting at 7:00 pm.

2) Meeting Minutes

Selectman Herbert made a **motion** to accept the meeting minutes of June 2, 2021. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

3) Signatures

Chairman Walker noted that the Board reviewed accounts payable and payroll registers. They also signed Intent to Cut forms for Tax Map 204, Lot 1 and Tax Map 254, Lot 3.

4) New Business

a. NH State Police Statistics

Chairman Walker read the NH State Police Statistics for the month of May, as follows:

Assist Motorist	1	Hazardous Operator	2	Theft	1
Complaint - Animal	1	Motor Vehical Accident	3	Traffic Stop	4
Complaint - Noise	1	Request for Service	3	No Code Given	1
Department Assist	1	Road Obstruction	1		
Drug Case	1	Shots Fired	1		
Total Calls :					21

b. Appointment of Cemetery Trustee

Chairman Walker reported that the Cemetery Trustees requested Deborah Bartz be appointed as a Trustee until March 2022. Selectman Herbert made a **motion** to that effect. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

Town Clerk Jim Zink-Mailloux commented that he would check to see if the position being filled was for one year or two.

c. Dog Warrant

Town Clerk Zink-Mailloux presented a list of all of the dogs which had not yet been licensed for 2021. The list consists of 130 dogs, 92 of which were not licensed in 2020 but had received vaccinations and / or veterinary care. Reminders were mailed to owners around May 25th. \$25 fines were to go into effect on July 1st. He noted that on or shortly after that date, he would send registered letters to the respective owners. Owners would then have 30 days to pay. Anyone who didn't pay could be subject to cooperative action between him and Sheriff Croft.

TC Zink-Mailloux also commented that since this was the first year the Town would be enforcing dog licensing, he would like to waive collection of the \$7 fee for each registered letter.

The Town Clerk will also arrange to have reminders posted around Town and on the Town website.

Registration fees for dogs are shared between the State and the Town at various proportions. The \$25 fines are retained solely by the Town as revenue.

d. Ad Hoc Committee / Old Home Day

Chairman Walker spoke about the funds related to the Old Home Day (OHD). He noted that money is solicited for fireworks, prizes, etc. For those funds to be tax deductible, the OHD organization would have to be a non-profit or the funds would have to be made out to the Town. He said he understood the funds could be handled by the Trustees of the Trust Funds. He added that the fireworks were no longer associated with the OHD. Also, there was an issue that the OHD was not a function of Salisbury's municipal operations and therefore was not covered by the Town's insurance policies.

Town Administrator April Rollins noted that the OHD committee was not an official entity of the Town of Salisbury. The issue was in the terminology used. Instead of "committee", it should be an association or a volunteer group. Since the OHD group was not part of the Town, it would have to be voted in as an official function. As it was, the group was not required to comply with RSA 91A, to provide meeting minutes, nor to have elected or appointed members. They also don't get audited and their paperwork doesn't go through the Town Office.

TA Rollins noted that the Town does provide a donation towards the OHD event. However, there was no revenue line in the budget to receive donations for OHD.

Chairman Walker noted he was concerned that the OHD committee was not an entity and yet the Town was contributing \$4,000 to it.

TA Rollins noted that Jen Hoyt had requested the Town's EIN tax number in order to open a bank account. That was not allowed. Another solution would be needed.

Selectman Herbert believed there was not enough time to set up a proper non-profit before the event planned for August. He was also unhappy that there was no insurance covering the event, especially with a parade in the

middle of the street and livestock.

A member of the public suggested that at the next Town Meeting, citizens should vote on whether to make OHD an official function of the Town.

Chairman Walker suggested that the Selectboard could run Old Home Day. There was a budget for it. The board could take their cue from the committee, but they would have to approve all of the pieces for this year. All of the decisions made by the OHD committee would be advisory and the Selectboard would just approve them. As a Town function, insurance would be in place. Jim Zink-Mailloux suggested that confirmation about the insurance coverage should be made.

TA Rollins noted that the Selectboard would also have to accept all of the donations made for the event.

Chairman Walker suggested that without the Selectboard running OHD, the event shouldn't take place at all. During previous events, OHD was run without insurance and that should not continue to be allowed.

Chairman Walker made a **motion** to make Old Home Day an official Town function run by and approved by the Selectmen unless advised otherwise by the NH Municipal Association or Primex, the Town's insurance provider. Selectman Herbert **seconded**. The **motion passed** with all in favor.

TA Rollins noted that Sanbornton had an Old Home Day committee that was separate from the Town. Kimberley Edelmann noted that Warner didn't have an OHD group but did have the Warner Fall Foliage Festival and that was run as a not-for-profit organization separate from Town of Warner municipal operations.

It became apparent that the next Selectmen's meeting was planned to take place only 2 1/2 weeks before OHD. Chairman Walker noted the OHD committee had been holding public meeting and posting meeting minutes. TA Rollins suggested the Selectboard create the OHD advisory team and appoint members.

e. Black Bear Vineyard

Chairman Walker explained that a complaint had been received regarding loud music coming from Black Bear Vineyard. He invited Ted and Nick Jarvis, owner / operators of Black Bear Vineyard on New Road, to share their perspective.

Nick Jarvis addressed the board, noting they were aware of the complaint from a neighbor. He explained that the business was open Friday, Saturday and Sunday from noon to 5. They have outdoor music between the hours of 3 and 5. That was all within what they were approved to do. Nick noted they've had some concerns expressed by that neighbor a few times and that they do their best to be as neighborly as possible, but they are running a business. People come, they explore, they taste wine. The business had over 18 acres and there was a lot for people to check out. The music was during normal operating hours. The noise decibel was no greater than 40; they have a reader on the house which tests it. Nick felt for his neighbor to so claim his house was shaking was overkill. There were no earthquakes or volcanoes going on or anything of that nature.

Selectman Herbert asked what kind of music was being performed. Ted Jarvis answered, "Jazz, blues, country." Nick added that he had a saxophonist who comes up and does an excellent job. They've also done acoustic music, sometimes a blend of recent music and older music, but always one guy not a full band. One speaker, one guitar. And never past 5 pm.

Chairman Walker noted that he had read through the history in past meeting minutes. He asked if the activities are within the notice of decision of 2009 from the Planning Board. Nick replied, "Yes, how we interpreted them." Chairman Walker noted that in 2016, the Jarvis's went before the Zoning Board of Adjustments. In 2018 there were

some complaints.

Chairman Walker noted that they were in the process of a new conditional use permit. Nick Jarvis replied they were in the process of a subdivision, an ongoing thing. They were trying to get one thing handled before moving on to another. He would like to sit down with the Selectboard to discuss things in depth.

In responding to Chairman Walker, Ted Jarvis said that the approved subdivision would provide some land for his son. Ted added that he didn't start the winery and vineyard as a hobby. It was a business. His intent back then was crystal clear. Obviously he wanted to remain respectful to his neighbors. But on the same token, he had invested well over \$1,000,000 in the property. He needed to build the business to recoup.

Selectman Herbert commented that any change of decision of the Zoning Board has to go back to the them. Nick understood that. He'd talked with TA Rollins about that. Most of the subdivision was squared away. He was waiting for some final things to fall into place.

Chairman Walker noted that the complaint went to the Planning Board and was then forwarded to the Selectboard. He saw it as a difference between neighbors in regards to the 2009 agreement. He felt it was not for the Selectboard to make a decision about it. He felt the Planning Board needs to make a determination about the complaint.

Selectman Herbert recalled that a complaint was that music went well into the evening. Ted Jarvis stated that music goes only from 3 to 5, outside if weather permits, otherwise indoors. Contracts with the musicians state this and could be viewed. While Salisbury doesn't have a noise ordinance, he had reviewed what other towns have as noise limits and he keeps below those. He has decibel readers around the property.

Selectman Hoyt agreed that the complaint was between neighbors and the best approach for resolution was for the neighbors to discuss the matter between themselves.

Chairman Walker made a **motion** to return the complaint to the Planning Board. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

Chairman Walker noted that in November, the Selectboard sent a cease and desist order. He wanted to vacate that decision as it was made during a nonpublic meeting which was in violation of the right to know law, it was in violation of the Jarvis's right to participate in the meeting, and therefore was inappropriate for the Selectboard to issue cease and desist order. Chairman Walker made a **motion** to withdraw the cease and desist order. Selectman Hoyt seconded it. The **motion passed** with all in favor.

TA Rollins told Chairman Walker that she did not know if the Selectboard could pass their authority as an enforcing agent of a Zoning Board notice of decision to the Planning Board. Chairman Walker believed that the Planning Board made the decision. TA Rollins said it was a ZBA decision in question. She added that most of the ZBA members were new; they would have to catch up on the application and decision by reading ZBA minutes. She recommended that the Town Attorney be contacted. Chairman Walker noted that he was not passing authority.

5) Department & Committee Updates

a. Road Agent / Fire Chief

Road Agent Bill MacDuffie Jr reported that grading work was needed on New Road.

Fire Chief Bill MacDuffie Jr reported that the new washer and dryer were on order. He asked the Selectboard what they wanted him to do with the current washer and dryer. The Selectboard agreed they would let him decide that.

The Fire Chief also noted that the Salisbury Firefighters Association had been granted 501c status.

b. Transfer Station

Transfer Station Manager Bert LaFlamme reported that he needed more manpower at the Transfer Station. One person on the Saturday crew was leaving. It would be tough with just one or two people working.

Bert LaFlamme also noted the vultures were still hanging around, but thanks to the tarps, were no longer getting into the trash. Bert also commented that Casella was working well with the Salisbury team. Casella guys were removing the tarps themselves, which was very helpful. He said the Casella guys were awesome.

Chairman Walker suggested putting out a formal bid for the generator for the trash compactor. He was not clear on whether the compactor would also have to go out to bid. He would need help and input regarding hopper design. The options and numbers he got for Town Meeting may have changed. The intent was still to rent containers; purchase of containers could be discussed at a future Town Meeting.

Bert LaFlamme asked about the layout where the compactor would be placed. Chairman Walker said he and Bill MacDuffie Jr had been talking about that. The compactor needed to be put where on a concrete pad. The hopper would be custom made for whatever configuration was put in place. The route around the Transfer Station may need to be changed. Bert LaFlamme noted that cardboard needed to be last on that route. Most people put their garbage on top of the cardboard to keep the cardboard from flying out.

c. Old Home Day Committee

Selectmen Herbert and Hoyt spoke about some of the planned activities for the Old Home Day weekend. A lot of vendors were lined up. The fire muster was scheduled for the Sunday. There would be a tractor show. Saturday would include the fair and the corn hole tournament with nearly 40 teams participating. There was a reptile show funded by Drew Auto Parts and a new resident moving into town.

Food vendors included a Tilton Northfield Rotary who would bring a food truck and the fire explorers. There would be a chicken dinner. Friends of the Library were part of the OHD group, but had not yet signed up to do food. Gayle Landry noted that she ran the food for the library. The Old Home Day had always been a good fundraiser for the library in years past.

When asked why outside food vendors were being brought in, Chairman Walker commented that children don't want chicken legs. They want other foods.

Selectman Hoyt noted there was a long list of vendors, maybe 20 to 25 in all. Louise Andrus was handling that aspect of the Old Home Day. Also, a clown was coming and there would be face painting on offer.

6) Old Business

a. Academy Hall Plumbing

Town Administrator April Rollins reported that she had contacted a plumber to address the gurgling sounds coming from the toilet. He, in turn, recommended someone else. He believed the pipes needed to be flushed from the top of the building, requiring a specialist.

Bill MacDuffie dug out along the pipe from the septic tank covers to the building. He suspected there was something happening where the old pipe joined the new pipe, somewhere under the building. He wasn't going to go under the building.

Jim Zink-Mailloux asked if the toilet paper in use at Academy Hall was septic safe. TA Rollins assured him it was.

b. Demolished Home on Route 4

Chairman Walker noted that, as proposed at a prior meeting, he looked into what authority the Selectboard had in regards to the pile of debris on Route 4. His contact at the NH Municipal Association also confirmed that RSA 155-B applied even though the building was a pile instead of a standing structure.

Section 155-B:2

155-B:2 Repair or Removal of Hazardous Building. – The governing body of any city or town may order the owner of any hazardous building within the municipality to correct the hazardous condition of such building or to raze or remove the same.

TA Rollins noted that the Town would follow the process described in RSA 155-B starting with a request letter to the owners.

Chairman Walker made a **motion** to send a letter to the property owners. Selectman Herbert **seconded**. The **motion passed** with all in favor.

c. HVAC Filters at the Library

It was noted that a revised quote was needed. Chairman Walker made a motion to approve the addition of HVAC filters at the library and to allow TA Rollins to move forward including getting updated quotes. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

7) Selectmen's Reports

a. July 7 BOS Meeting

The meeting would not take place on July 7 due to the holiday and vacations being taken.

Selectman Herbert recommended meeting July 14 to discuss Old Home Day. Everyone agreed.

b. Office Opening Schedule

TA Rollins noted regular office hours were in effect for the Tax Collector and Town Clerk. Residents would be asked to wear masks if not fully vaccinated. Masks were still being supplied in the main lobby.

c. Town Hall Handicapped Ramp

Selectman Hoyt noted the ramp was in sad shape. The top rail was worn out, the railings were loose. Also, it was not ADA compliant and would require another board. Selectman Hoyt did not want to replace it with another pressure treated ramp. TA Rollins looked up alternatives. Pricing was between \$3,000 and \$4,000.

Jim Zink-Mailloux wondered if the ramp would have to be very long to meet the grade requirements. Selectman Hoyt believed it would be about a foot length for every inch in height; about 48 feet long.

Selectman Herbert did not believe a long aluminum ramp on a 250 year old historic building would be aesthetically pleasing. He would prefer to see wood being used to be consistent with the building style. Chairman Walker noted that was a matter of taste; he didn't think an aluminum ramp would look any worse than a wooden ramp.

Kimberley Edelmann suggested the use of Trex or a similar composite replacement for wood. It would be more affordable in comparison to the price of wood. A member of the public suggested making the front door handicap accessible instead of the other entrance. Selectman Hoyt commented that no one had thought of that option. Another member of the public commented that shiny silver aluminum would stand out like a thumb. Jim Zink-Mailloux added that while the doors needed to open out, one still needed to be able to enter with a wheelchair.

The Selectboard discussed various options and configurations. Chairman Walker noted that more research and consideration was in order.

d. Town Hall Electric Stoves

TA Rollins ordered new stove burner replacements. She had not yet found replacement terminals. Selectman Hoyt believed he found those and would forward the information to her.

It was confirmed that the Old Home Day event does use the stoves. There were 4 burners working on one stove, 2 out of 4 on the other. The stoves were old and were failing due to rust.

e. American Rescue Plan Act

Chairman Walker noted that new guidance was released on June 15. Applications open on the 18th.

The final award value for Salisbury was \$151,381, with the first tranche being \$75,690.62. The Town would apply for the ARPA funds then get the process moving with TDS.

Town Clerk Zink-Mailloux said a new resident reported being unable to get service from TDS. Chairman Walker noted there were production issues and parts shortages.

f. Cribbage Nights at the Town Hall

It was noted that Velma Emery wanted to start holding Cribbage events at the Town Hall. The initial dates were June 24 and July 1. Chairman Walker made a **motion** to waive the Town Hall rental fee. Selectman Hoyt **seconded**. The **motion passed** with all in favor.

8) Public Comments

a. Town Moderator

Supervisor of the Checklist David Rapalyea reported that David Hostetler was willing to step forward to be appointed as the Town Moderator at the next Town Meeting. He had not yet decided whether to run for the office in 2022.

b. Cemetery Trustee

Cemetery Trustee / Secretary Dora Rapalyea asked the board if they had approved the request to send \$160 to the American Legion in Penacook. The Trustees have sent that amount each year to cover flags. Chairman Walker noted the request had just been signed.

9) Town Administrator's Report

a. TDS Discontinuance of AMC Network Channels

TA Rollins informed the Selectboard that their packets included a letter from TDS noting they were no longer airing AMC channels. She read the letter into the record:

We are writing to let you know that as of June 10, 2021, TDS will no longer carry AMC Network channels in our lineups. These channels include AMC, BBC America, We TV, BBC World News, IFC, and Sundance. TDS not not agree with the network's decision to move valued programming from TV distribution to distribution exclusively on its streaming service. Asking TV subscribers to pay more while the network carves-out highly valued programming and delivers less to traditional video subscribers is not acceptable, resulting in TDS dropping these channels from our lineup.

b. MVSD Preliminary Assessment Schedule 2021 - 2022

TA Rollins reported that the MVSD preliminary assessment letter arrived showing the monthly payments of July 2021 to May 2022. The payments have dropped from \$225,033.49 to \$211,320.99. That's a reduction of \$13,712.50 per payment, \$150,837.50 over the course of the year. Even though the school budget increased, the number of Salisbury students declined.

10) Adjournment

Chairman Walker made a **motion** to adjourn the meeting at 8:27 pm. Selectman Herbert **seconded**. The **motion passed** with all in favor.

The next Board of Selectmen's meeting was scheduled for July 14, 7 pm at the Academy Hall.

Respectfully Submitted,

Kimberley Brown Edelmann
Recording Secretary

These meeting minutes were reviewed and accepted on July 14, 2021.

Selectmen, Town of Salisbury