

Town of Canterbury
Selectmen's Meeting
June 15, 2020

Selectmen Present: Cheryl Gordon
Art Hudson
Robert Steenson
Town Administrator: Ken Folsom

The meeting was called to order by Cheryl Gordon at 5:03 PM

Administrative

The Board signed: A/P Manifest
P/R Manifest
Letter to Canterbury Aleworks
Letter to M. Saviano-Hancock Rd
Intent to Cut Map 232, Lot 4-Borough Rd
TD Bank Signature Updates

Minutes

The Selectmen reviewed the minutes of the May 18, 2020, Selectmen's meeting. Art made a motion to approve the minutes as amended. Cheryl seconded the motion. All in favor by roll call, motion carried.

Appointments

Monthly Department Head Meeting with the Board:

At 5:03 Sam Papps, Town Clerk/Tax Collector, presented an updated unpaid tax report and reported that 2020P1 taxes are coming in steadily. He has collected \$658K so far. He reported that the 2015 liens are all paid off as of the end of May. Jamie, our Deputy Town Clerk, is back to working her normal schedule. The Department of Motor Vehicles is still closed at this time. Sam is planning on having the deeding list by the beginning of August. There are no Town Clerk or Tax Collector Conferences this year, so they are looking forward to the elections in the fall. Cheryl asked if he was still taking customers through the window and Sam said yes at this time they were. He told her that the scheduled day to open the lobby back up is Monday, June 22nd. The plan is to allow only 2 customers at a time in the Tax Collector's area and 1 at a time in the Assessor's office. Admittance to the town Administrator and Administrative Assistant will still be by appointment only.

Ken decided that since Sam was already there that it would be a good time to discuss the upcoming election procedure and the reopening procedure. Ken reported that he has already built the Plexiglas shields for the Town Clerk and Tax Collector's office. He has contacted Granite State Glass to get an estimate for the Assessor's office shield and for 7 shields for Election Day. The shields for Election Day will allow the Supervisors to be safe and the check-in and check-out workers to be safe and allow the lines to be 6' apart. The estimate is approximately \$1,425. The board agreed that Ken should order them now before there is a rush and they are not available.

At 5:17 John O'Connor, Road Agent, reported that his crew was not having a good day. The Volvo was down with a fuel line issue, the backhoe was in Concord for a brake issue, T2 was having a power issue and T4 is dying. He reported that Baptist Hill was paved, and the estimate was for putting down 1,545 tons of asphalt and the actual was 1,519 tons. They still have a lot of side work to do but they will work on that over the next month. They will start on the Intervale project and involve some of that with the side work on Baptist Hill. They are still grading roads. John gave an update on the new Ford 550. He said the build start date is August 10th and they may see it by the end of September then it will go south for the finish. The dump has been going good. Mark wants to leave the traffic going as is and still have no walk-ins. He said that Mark would also like to empty out the Treasure House and start over since it has been so long since it has been used. There was a short discussion about this and the Selectmen agreed that the cheapest way would be to break it all up and dispose of it. John also reported that a fire reignited at the burn pit and it did spread to a little of the yard, but they noticed it before it got too far. They didn't have a security camera aimed at that angle, but they have since changed that. Bob said that he noticed that someone had set up a temporary handwashing station. He said the guys were interested in a more permanent set up. Cheryl said this would be a good time to get one because we can get reimbursed for it through COVID 19. Bob brought up the salt runoff in the Center in relation to the health of the trees. John reported that he has been using mostly salt around Sam Lake, the Store, and the School over the past 2 years to lessen the sand being tracked into these buildings. Bob wants John to think about it and see if there is anything that can be done to deflect the run-off away from the trees. Maybe repair the curbing or anything else that would be practical to do.

At 5:30 Nick Baker & Scott Doherty, Deputy Fire Chiefs, reported that there were 26 incidents since last month and 131 incidents this year to date. Nick said these numbers include a double drowning on the river at the end of May. He said this situation is something they have been training for and he feels that it went well. Training meetings resumed at the beginning of June and they have been maintaining social distancing and having small groups while training is performed. They haven't seen a lot of faces since the COVID 19 outbreak, so they have been brushing up on basic firefighting skills and it has been going well. EMS training is still being done via conference call. Rescue 1 modifications are scheduled for June 23rd and Rescue 1 would be out of service for a few days. It was mentioned that the purchase of the UTV will be moving forward. This will be paid out of the Capital Reserve as voted on at Town Meeting. The warranty started at the time of the lease, so it doesn't make sense to wait. The radio will be installed at the end of this week. Scott said that the CDC has changed the definition of close contact from 10 mins to 15 mins. Scott also stressed the importance of maintaining the enforcement of 6' distancing as we go forward and that we shouldn't be afraid to politely remind people to stay back. The new engine committee has met a couple of times. The demo truck from Sutphen has been on-site and the guys have had the opportunity to explore it. Nick stated that there are a lot of stations in the area that are purchasing them right now, Franklin, Tilton, and Laconia. Scott also stated that they are very aware that they need to keep the cost down. Nick will be on vacation for 5 weeks starting next Tuesday to elope with his fiancée. Ken said there have been 7 applications for Fire Chief and he wanted to know if they want to post a closing date. Bob said they should review the applicants first. It was stated that Scott, Guy, Ken, Cheryl, Art, and Bob would review the applications this week and they will meet Monday the 22nd at 6 PM at the Fire Station to discuss the options. Ken will get in touch with Guy to see if he is available. Art asked Nick about the status of the number of volunteers. Nick

said that because of the COVID 19 situation they haven't taken on any new members, but they also haven't lost any current members. He feels the morale is very good right now.

At 5:47 the Selectmen addressed the Offer from Sam Papps to purchase 5 acres of Town-owned land on Snowshoe Hill Road for \$2K. Ken stated that it has been posted on the website and Town email. Ken said he talked to our Assessor Mandy Irving and she said it was listed as backland and valued at \$2K per acre. Ken said that he received a letter from the Conservation Commission regarding this sale. Bob explained that the Conservation Commission is going to recommend that this property not be sold. They are looking at acquiring another piece of property for conservation land and that this piece would fit in quite nicely in connecting Gilmanton conservation land to Canterbury conservation land. Art feels that it is a bit of a stretch to tie it in with Gilmanton. Art and Cheryl want to sell it with a Conservation Easement. Sam stated that he is looking for a wood lot only. Bob wants to know if Mandy has any comparables and Ken stated that there is a privately owned parcel the same size on the market and under contract at this time. After a short discussion, the Selectmen said they would need more data to come up with a counteroffer for Sam.

At 6:00 Lois Scribner came in to discuss a mobile speed sign. She feels that speeding vehicles are a hot topic all across Town. We have lots of pedestrians, dogs, and kids and she feels something must be done to protect them. She spoke with Police Chief Mike Labrecque, and he let her know about a discrete device that would not take pictures of license plates but would collect data such as the number of vehicles, speed, and direction vehicle is traveling. Mike said he had used this device in Hooksett and the data allowed them to put the patrol cars in areas that have been recorded as problem areas. Lois mentioned Shaker Road, Kimball Pond Road, Hackleboro Road, and Intervale Road as problem areas, but said that she feels this device could give some good information to verify the facts. Art feels that if people who are stopped are made to pay the fines that it would be a pretty good deterrent and help to keep the speed down. Ken stated that he has traffic data that was collected over the years and that it could be used to compare with any new data collected. Bob said that the roads she has mentioned are all smoothly paved roads and that the police have a pretty good idea where the problem areas are located. He feels that we are doing a great deal more traffic enforcement now than in the past and we don't seem to have any increase in accidents. Bob inquired about the cost of the device. Ken said that it is called a Black Cat 2 and it costs approximately \$4,600.00 and it is portable. Bob wants to see if they can get the data they need from the police software that they already have before they look into purchasing an expensive device. Lois asked if she should speak with John and the Selectmen agreed that it would be fine if she wanted to, but they feel that the responsibility was theirs. Lois wanted to know if there would be enough time, if this analysis didn't give them enough data, to put a new device in the budget for next year. Bob said that there would be since the budget process starts in November for the Town Meeting. Ken will speak with the Chief to look into the data we already have and then get back to Lois and let her know.

Old Business

At 6:22 Cheryl started the discussion of the road waivers. It was decided to start with the Rum Brook Road waiver. Mr. Duval was on the line and Road Agent John O'Connor was present. Bob explained that from the last meeting they were trying to determine from the requirements John had laid out how much was upgrade and how much was maintenance which should have already been done. Bob said that the standard for the Class VI Road was to maintain it to Good

and Passable standard. John agreed. The new policy outlines a Class V standard which is a higher standard. There are 2 different standards applied in there. Bob said there are 2 different questions to be addressed as follows: 1. Do we apply the Good and Passable standard to this next house on the road or do we apply a newer higher standard? And 2. To what degree does subsequent development need to upgrade and do maintenance to carry their load and responsibility? Cheryl said that Mr. Duval will be between 2 lots with existing waivers. She said that he would be responsible for his section and as far as road maintenance that would be a separate thing and asked if he would be expected to go in with the other property owners. Bob agreed that all the owners should have joint responsibility for the road maintenance, or they could say no and take care of their own section. Bob and John agreed that the road is pretty much Good and Passable right now. It could use a little bit of maintenance but not much. Cheryl asked Mr. Duval if he had some input. He said he has already begun to take care of some of the overgrowth on the side of the road and is planning on filling some of the pot-holes soon. Bob stated that the road has 3 developed lots before Mr. Duval and 1 after. Bob feels that it would make sense to set the standard that the infield lot would maintain the road to Good and Passable. John said do a little grading and get the crown back in the road. He doesn't feel it would take much to get it up to this level. Ken said that John's road upgrade agreement states that in order for the section of road in question to be up to standard it will need to have 6" of 1.5" crushed bank run, gravel to put the crown back on 20' of travel way, (about 900' to Mr. Duval's driveway) and his driveway will need a 15" culvert. After much discussion, the decision was made to have John go back out to the road and look at it and specify what needs to be done in each area to bring the road up to Good and Passable and then give the Selectmen his findings. The Selectmen and Mr. Duval agree with this decision. Bob makes a motion to approve this particular road waiver based on these provisions. Art seconded this motion. All in favor by roll call, motion carried.

At 6:45 the Hancock Road Waiver was addressed. Mr. Pounds, Joshua Gordon, Lisa Shapiro, Mr. Saviano, and Mr. Saviano's lawyer Shawn Hrbek were all present on the line. Ken presented the edited letter to Mr. Saviano to the board. Bob summed up the letter out loud. It's a letter from the Town of Canterbury to Mr. Saviano addressing the fact that the maintenance has been deficient on Hancock Road and that it is his responsibility to maintain this property. While it has been deficient for some time, it doesn't relieve him of any responsibility to maintain that road. We are not requiring Mr. Saviano to upgrade Hancock Road, but he does have to address the deferred maintenance. Our letter states that we are well aware that Mr. & Mrs. Pounds are seeking a building permit to develop their lot. The Pound's will be required to upgrade Hancock Road from the end of Mr. Saviano's driveway to their driveway. In addition, they will be required to share in the cost of addressing the maintenance issues on Hancock Road from Mr. Saviano's driveway to the road's intersection with Shaker Road. This is consistent with the conversations we have had with the Town of Canterbury's legal counsel and Mr. Saviano's attorney. Bob said there are 2 separate issues. Mr. Pounds would be responsible for the upgrade portion and Mr. Saviano and Mr. Pounds would have to come to an agreement on the maintenance of Hancock Road. There is an agreement for the upgrade portion and Bob has read it and feels it is reasonable. He also feels that for the future the maintenance agreement should be a formal document that can be referred to for any further issues that may have to be addressed going forward. Bob said there were additional conversations that have come up from abutters about the proposed location of the house on the property in relation to Lyford Pond Dam. Bob said we are here to talk about a Class VI Road Waiver for Mr. & Mrs. Pounds and the deferred road maintenance for Mr. Saviano not about dam maintenance. That being said, Mr. Pounds has agreed to relocate the structure to make sure he is not in a potential flood plain. As discussed in a

previous meeting, once the new location of the structure is established, the cabin that already exists there would qualify as an auxiliary structure and could remain. Bob feels that, given all the research that has been done and Mr. Pounds' co-operation and his willingness to participate and Mr. Saviano's request through his attorney that further development down the road be required to assist in maintaining it, they are prepared to move forward with a decision on the waiver. Cheryl agrees. He feels that the conditions will include a more formal arrangement given the history of this road. It should be drafted about the co-operative nature of the cost-sharing arrangement and that should be recorded in the registry to run with those 2 properties. Cheryl said that makes sense so that the road agent and the Town Office has a copy and everybody knows what needs to get done to make it safe for everybody on that road and any of our Firefighters or Police that have to go in there. Bob said that in terms of sequencing that they would not grant a building permit on the lot until the road maintenance and upgrade work was done. Both Art and Cheryl agree with that. Lisa Shapiro asked for clarification on what was being decided upon tonight. Bob addressed her saying that they were making a decision tonight on the road waiver, the road upgrade agreement for Mr. Pounds, and a mechanism to address the deficient maintenance of Hancock Road from Mr. Saviano's driveway to Shaker Road. He also reiterated that they talked about the sequencing being to get the road maintenance deficiency done, the upgrades done, and then at that time issuing the building permit. Art had a question about whether it would get recorded or not. Bob's answer was that it has to get memorialized somewhere along the lines about this joint responsibility and he was looking for the most effective way to do it. Also, the most effective way to provide a Road Agent 25 years from now with additional guidance about how this was supposed to go. Joshua Gordon made a comment that he thinks the Town may be looking at this backwards. He feels that deciding whether or not to allow development on the road should come before deciding how the road would facilitate that development and that maybe the existing house that Mr. Saviano now owns may have been granted in error and that maybe the Road Agent at that time made the decision and that the planning of development on that road wasn't taken into consideration. Mr. Gordon also feels that the building permit shouldn't be granted until there is a piece of paper from the Dam Bureau saying that they are in compliance. Bob reiterated that they were not there to talk about the dam other than to note that it had been mentioned. He said that Mr. Pounds owns a piece of property and has certain rights about that particular piece of property. We don't currently have a process in Town where a single-family home on a single lot requires a planning decision if someone wants to build there. In this case, since it's a Class VI road there is a waiver process since the Town isn't going to maintain the road to his driveway. Mr. Gordon wanted to know if at the time when the Selectmen issue the building permit they could talk about the location of the house at that time. Bob said they would be granting that building permit like any other permit in town. There would not be any submission to the Dam Bureau. Mr. Gordon said he would address the Selectmen at the time of the approval of the building permit. Bob stated that there is no public process for approving building permits and it is handled by the Building Inspector. The Selectmen don't approve the building permits. Mr. Gordon feels that it is stated that building permits on a Class VI road have to be approved by the Selectmen. Bob said he is happy to run it by the Town's attorney. Lisa brought up the fact that she can't imagine the Town wouldn't want to investigate the effect on property values in relation to the Dam. Bob said he feels they have a lot of information and that he doesn't think they can restrict a property owner based on the neighbors working on reasons why he shouldn't go there. Mr. Gordon kept voicing his concern over the Dam and the property values. Mr. Pounds gave an update that he empathizes with Mr. Gordon and he has the same concerns. He said he has been in contact with the Dam Bureau and Jim Webber of the Dam Bureau is going to evaluate and give feedback. Mr. Pounds said he wants to get written notification about the impact on the Lyford Pond Dam. Bob agreed that it

sounds like a terrific course of action. Mr. Pounds said that it is required to be 250' away from shore frontage and that he is actually planning on moving another 250' more from there. He said he should have something in writing from the Dam Bureau by the beginning of July. Bob asked if they so noted that in the agreement that they are going to draft with him would he be okay with that. Mr. Pounds said he was ok with that. Mr. Saviano spoke up and wanted to make it understood to everybody that his home is on the highest point of his property and that he is nowhere near the elevation of the pond. Bob said that is good to know and that they appreciate that. Shawn Hrbek, Mr. Saviano's attorney, had a question about the Road Waiver specifically for Hancock Road itself what Good and Passable would entail, and if there were still any environmental concerns. Bob said that Good and Passable and the actual conditions of what has to be done would be dictated by the Road Agent. It would have to be safe to get emergency vehicles in and out safely. They would be adhering to all laws and rules of wetlands and culverts. Bob said that the maintenance was verbally outlined in April and that it would be put in writing and attached to the letter that will be going out to Mr. Saviano with a copy to Mr. Pounds as well since they both will be responsible to get it done together. That list will be separate from what Mr. Pounds will do for the upgrade. Mr. Gordon asked if the list would comply with DES. Ken said that any work that will be done will comply with any DES regulations for that road, but it would be up to the property owner to make sure they are in compliance. Mr. Pounds said that the Road Agent came out early on and at that time he was told that he would have to upgrade between Mr. Saviano's driveway and his and he would have to make it adhere to a Class V standard and he wants to know if that still holds for Good and Passable standards. Bob and Ken said that as stated earlier with the Rum Brook Road Waiver the Class VI Road Waiver policy was revised and the Class V standard has been taken out of there. It has been amended to Good and Passable and they would ask John to review his recommendations for your upgrade portion to make it Good and Passable without extra. Bob asked if they could vote on any of this tonight and Ken suggested they do a draft 1st because there are a lot of conditions to be included. Ken said he would feel more comfortable putting it in front of the Town's counsel after it was drafted and before it is voted on. The Selectmen said that makes sense. Bob feels it's safe to say that after the discussion of tonight's meeting and if they can satisfy these conditions and Mr. Pounds continues to work on his location and elevation that they're going to proceed with the waiver and the agreement. So they're going to draft one for all to review and also draft the letter to Mr. Saviano with copies to his attorney and Mr. Pounds. Mr. Gordon asked if Ken could make it available when the draft is completed. Bob said sure it's public. Ken said he would post it along with the agenda for the meeting. Mr. Hrbek wanted to know when the decision would take place. Due to the July 4th holiday, the next Selectmen's meeting was set for June 29th.

At 7:25 Toria Haungs & Brandon Hiltz were on the line to discuss BH Construction's Zoning Violation. Ken explained that the Excavation Permit for 381 Intervale Road expired on 5/31/19 and he sent them a notice on 5/4/2020 and that they didn't respond. On 6/4/20 they were sent a letter letting them know that they were in violation of zoning due to stored aggregate on the site and that the Bond had been called. Toria said that the reason it has been taking so long is because they have been waiting for approval of a change order from NHDOT for the Sandogardy Pond Rd. project in Northfield. She said NHDOT notified the Town of Northfield that they were not going to pay for the change order. She also said that BH Construction gave Northfield a deadline of the end of this week. She said 381 Intervale would be cleaned up in the next 60 – 90 days. They haven't excavated out of there since 2018. Bob said that it is unsightly and there are certainly some DES issues. He said that our Zoning Compliance can't be contingent on another town. Bob wanted to know how we ascertain that in 60 days that lot would be cleaned up. Bob asked about the nature of the change order vs the material on the site. Brandon said the material

on site is to be spread on-site not hauled off. Bob asked when the temporary site plan approval expired for the storage of the materials. Ken said it expired in May of 2019. Bob said it has been more than a year and that Brandon needs to comply now. Brandon said he would be able to get in there in a couple of weeks. Art wanted to know how long he thought it would take to finish it. Brandon said a couple of days to a week. Ken said the bond expires in September and we called it and we have claim forms from the insurance company. Bob and Cheryl gave Brandon the date of July 1st as a deadline to get the site cleaned up. Bob said we would fill out the Bond Claim forms and hold off filing them as long as Brandon is done cleaning up by July 1st.

Ken brought up the discussion about the Underground Utility Permit for Welch Road. Bob said he would like to see something in detail on a map with a clear indication as to where the line exists so that 30 years from now people will know where it is. Ken said that Ann Berry said that Unitil needs a letter from the Town with permission to do the project. Ken will call his contact, Gary Raymond, with Unitil. As-Built approvals must be completed before the permits can be issued. Ken will draft an addendum to the permit and submit it to the Board for approval.

Ken reported that he sent a letter to the Church on 5/6/20 regarding the Storage Policy and Agreement for CUCC/Canterbury Fair and he hasn't heard anything back yet. Pastor Sara called on 5/18/20 and he answered a bunch of her questions about it. Ken emailed Ron Turcotte on 6/4/20 and Ron said he is no longer the Chair of the Trustees and we should talk to Bob Drew. Ken hasn't contacted Bob Drew because he feels like he is getting the runaround. He wanted to see what the Selectmen thought about it. Art said he feels that the old agreement ran out on 5/22/20. Bob said if they don't update their agreement they become tenants at will. The other issue that Ken has had with the Church is that he hasn't been getting their monthly water meter reading per the contract for letting them use the septic system.

New Business

Ken informed the Board that Jessie Tichko requested permission to have a Town Yard Sale in the Center on July 25th. She said she would make sure that people were social distancing and that they were wearing masks and PPE. They want to set up on the grass. Bob was concerned that the Canterbury Fair was canceled for the same date. There was a discussion about the fact that in the last couple of years it was not a crowded event. Bob also mentioned that he thought they could spread out more if they set up in the Library parking lot. Art disagreed. He feels the Center is a better atmosphere for this type of event. The Selectmen gave approval for them to have the Yard Sale in the Center on July 25th.

Ken brought up the question of continuing to have the conference call system for meetings going forward. Ken said that since there is still no vaccine for COVID 19 and everything seems to be opening up around the State, he would feel more comfortable keeping the conference call system. The Selectmen agreed that having the meetings with conference calling allows them to open up to the Town without being exposed and that they can address it again in the fall when there has been some time to see how the COVID 19 cases do with the reopening of everything.

Ken asked the Selectmen what they wanted to do about the Class VI Road Waiver revisions that he passed out to them. They decided that they would look them over and see how the drafts work out for Rum Brook Road and Hancock Road at the June 29th Selectmen's Meeting.

Updates from Ken

Ken reported that Nadine Dahl, the Health Officer for the Town of Canterbury, is looking for a deputy. She is going to be unavailable for a few weeks due to some surgery. She is thinking about getting done if the person works out. She said there are no qualifications required and there are guidelines and support available from the State. She wants to put an ad on the Town Website and in the bulletin. The Selectmen said yes.

Ken stated that he got an email from Mr. Giles about Mr. Lidstone, the squatter that is on his land. He is still looking to get him out of there. Mr. Lidstone has been found in contempt of court many times and has even spent a weekend in jail. He just keeps going back. Mr. Giles has an agreement with the Railroad and the Fish and Game to get in there and start to tear down the building. He is just waiting to hear from the Sheriff's Department that he has been removed.

Ken reported that we received two Right to Know requests. One from NHPR wanting to know if we have had and Civil Rights Violations in the past 10 years. The Selectmen said they have no knowledge of any and Ken said that he and Jan also have no recollection of any. Ken also checked with our Police Chief, Mike Labreque, and he also has no record of any. The other request was from Mr. Haas in reference to payouts to the school district in the last 3 months due to COVID 19. He is wondering if we get any kind of discount because none of the kids have been in school. Ken said we are looking up information and will be getting back to Mr. Haas.

Ken stated that he got correspondence from the Conservation Commission recommending that the Selectmen conduct a Timber Harvest on the Sawyer's Ferry Conservation area in the Fall of 2020. He also has a report from Ron Cosmerick who is the Land Management person. The Selectmen see it as an opportunity to have some income and are in favor. Bob made a motion to approve the Sawyer's Ferry Timber Harvest as proposed by the Conservation Commission. Art seconded the motion. All in favor by roll call, motion carried. Ken will contact them and let them know.

Ken has a letter of Notice of Decision from the ZBA on the application for a special exception from 20 Baptist Road. The application was denied. Ken is also going to check with Joel French, our Building Inspector, on Wednesday to see if he has heard back from 20 Baptist road regarding a letter he sent to them about the unregistered vehicles in their yard.

Bob Brought up a thought about asking Police Chief, Mike Labrecque, about Use of Force Policies in the Town of Canterbury in light of what is happening in the Country right now.

Art made a motion to adjourn the meeting at 8:20 PM. Cheryl seconded the motion. All in favor by roll call, motion carried.

Respectfully submitted,

Mary A. Hauptman
Accounting Clerk