

Town of Canterbury, NH
Board of Selectmen
Date: 2024 April 16
Location: Meeting House

Selectmen: Scott Doherty (Chair), Kent Ruesswick, Beth Blair

Town Administrator: Ken Folsom

Others Present: Kevin Bragg

1. Call to Order
 - a. The meeting was called to order at 5:01 p.m.
2. Working Session
 - a. Committee Appointments
 - i. See Selectboard Minutes 4/15/24 Section 7.a. for previous discussion.
 - ii. The Selectboard discussed the appointments for the Zoning Board of Adjustment (ZBA).
 1. Scott called all of the ZBA members to let them know about the decision to not reappoint Joseph Halla to the ZBA. When he spoke with Lisa Carlson, she reminded him that Sean O'Brien has been an alternate for the ZBA for several years and may wish to become a full member.
 2. Scott spoke with Sean and Sean said that he would like to be appointed as a full member. Scott suggests appointing Sean as a full member rather than Brendan.
 3. Kent expressed concern that the ZBA needed the legal expertise that Brendan could bring to the group.
 4. The Selectboard discussed the possibility of appointing Brendan as an alternate and how he will likely be needed while Christopher Evans is on vacation.
 5. Beth agreed that Sean should be made a full member and that Brendan should be an alternate.
 6. Ken will draft a letter to Joe and a certificate of appreciation for his years of service.
 - iii. The Selectboard signed appointment slips for the Zoning Board of Adjustment. The appointments were 3 year terms for Sean O'Brien and Brendan O'Donnell (Alternate).
 - iv. The Selectboard signed appointment slips for the Planning Board. The appointments were 3 year terms for Brendan O'Donnell (Alternate) and Jonas Sanborn (Alternate).
 - b. Gazebo Repairs
 - i. See Selectboard Minutes 4/1/24 section 6.f. for previous discussion.
 - ii. Kent talked this morning with Dale Casewell. Dale is going to set up a scope and description so Alex Young and Eric Baker can make bids.
 - iii. They discussed that the posts need scraping and painting to help with longevity.
 - iv. Kent will get the estimates and go from there.
 - c. Canterbury Community Power Committee Updates
 - i. Kent and Howard Moffett (CCPC Chair) went to evaluate if the Town-owned parcel near 106 would be suitable for a solar field. It doesn't seem like it would be. The CCPC are going to continue looking. NHMS came forward and offered an unused parking lot, but that will likely not work either.
 - ii. CCPC is looking to change their focus. They need to continue managing Community Power, but the work needed to maintain the program is minimal.
 - iii. Projects they are considering include getting better cell coverage in town and batteries.
 - iv. All of this will be discussed at their meeting tomorrow.

- d. Code of Conduct for Boards and Committees
 - i. See Selectboard Minutes 4/1/24 Section 6.a. for previous discussion.
 - ii. Scott said the intent with this is to serve as reminder to everyone on all committees/boards to behave like adults. There have been several incidents on various boards/committees recently.
 - iii. The Town's counsel said that this is fine, but the BOS can't make people sign or take action on violations.
 - iv. Beth volunteered to edit the draft to make it more like a mission statement than a legal document. She will get that done for the 5/6/24 meeting.
- e. Letter from Evan Hauptman re resignation from Highway Department
 - i. Ken read aloud a resignation letter from Evan Hauptman.
 - ii. Scott made a motion at 5:42 p.m. to enter into Non-Public session as per RSA 91-A:3 II (a) to discuss a personnel matter. Kent seconded. All in favor by roll call, motion carried.
 - iii. The Selectmen discussed Mr. Hauptman's resignation. They decided to increase advertising for the vacant Highway Department position.
 - iv. Scott made a motion at 6:04 p.m. to exit the Non-Public session. Kent seconded. All in favor by roll call, motion carried.
 - v. Scott made a motion to seal the minutes. Kent seconded. All in favor by roll call, motion carried.
- f. Lyford Pond Dam
 - i. See Selectboard Minutes 4/15/24 Section 6.c. for previous discussion.
 - ii. Ken asked the Town's legal counsel for advice about the situation. They said the State may be interested in taking the dam, but that is doubtful. They also said that RSA 482 would allow the Town to take the dam, but the citizens would be unlikely to approve that decision. They advised that some towns have allowed breaches in this situation. There is nothing compelling the Town to take over the dam.
 - iii. The Selectboard reviewed the situation with Kevin Bragg (HDC). Kevin had not heard of this situation before being contacted by Ken.
 - iv. When Turning Point Dam was done in 2017, New Pond Dam and Lyford Pond Dam were upgraded from minimum risk to moderate risk.
 - v. Kevin thought that if Lyford Pond Dam broke, the water would go to Guessbrook Meadow. DES modeling says that the water would take out Hancock Road and go to 106.
 - vi. Ken was surprised that a risk this severe wouldn't have been a part of the Hazard Mitigation Plan.
 - vii. Kevin expressed doubt that the situation is as urgent as people have been saying. When he participated in a project to clear brush and repair Lyford Pond Dam in 2017/2018, there were already sinkholes. He thinks this may be a maintenance issue rather than a structural issue.
 - viii. The Selectboard decided that facilitating communication should be the Town's goal right now. Claiming ownership of Lyford Pond Dam is not something the Town can afford and would require voter approval.
 - ix. Ken will contact Mr. Webber (NH DES) to find out if his boss approved drawing up the siphon plan. He will also speak with David Katz of Shaker Village.
- g. Road Waivers Application
 - i. See Selectboard Minutes 4/15/24 Section 5.d. for previous discussion.
 - ii. The Selectboard can issue road waivers with or without an improvement plan created by the Road Agent. The waiver simply removes liability from the Town if something happens (e.g. EMS can't get up the road in an emergency).

- iii. In a few recent cases, the BOS required the road be improved before building. Some towns don't issue waivers, they just don't allow building unless a road meets certain standards.
- iv. The Road Agent conducts inspections twice a year for roads with improvement plans. If work needs to be done, the Road Agent can tell the owner to make repairs. If the owner doesn't make repairs, the Town can make the repairs and then send the owner a bill.
- v. 5/6 years ago the Selectboard decided that Class V standards are too onerous, so they changed the language to "good and passable". It is subjective and judged by the Road Agent.
- vi. The Selectboard have the authority to change this process at any time. In 1991 the Selectboard decided to pause granting road waivers. Not sure when they resumed.
- vii. Kent will ask the Planning Board for clarification about what action they want from the Selectboard regarding the language in the application.
- h. Meeting protocols and agenda items
 - i. The last two Selectboard meetings went almost 4 hours. We need a limit on items and time limits.
 - ii. Lyford Pond Dam was an exceptional occurrence. But maybe next time, they could make an announcement that "the agenda is full, everyone will get a chance to speak, but time limits will be enforced". Similar to how Jim Miller runs the Town Meeting.
 - iii. The Selectboard discussed changing how they manage the clerical agenda items. They agreed that more meetings was not doable.
 - iv. Kal will bring a timer to the next meeting and set time limits on agenda items.
- i. Department Head Reports
 - i. Beth suggested having the Police Department use the same monthly report style that the Fire Department does.
 - ii. Scott had developed this report when he was interim chief.
 - iii. A previous Selectboard had asked the PD for schedules and stats due to staffing issues. Those are no longer a concern.
 - iv. The Selectboard agreed to ask for a narrative style report instead of the monthly stats.
- j. Getting to know PD and FD
 - i. Beth asked if it was appropriate for her to attend FD monthly meetings as a way to get to know everyone.
 - ii. Scott and Ken suggested attending a training instead. Beth will confirm with Chief Gamache.
 - iii. Beth asked the same for PD and Kent suggested asking Chief Crotty for a tour of the building.
- k. Contaminated Soils Ordinance
 - i. See Selectboard Minutes 4/1/24 Section 7.i. for previous discussion.
 - ii. Ken has been having trouble finding example ordinances. We may need to craft one from scratch.
 - iii. Scott expressed concern about hurting local businesses by banning biosolids. Particularly the golf course. Could do "dirty dirt" and "biosolids" in two different ordinances.
 - iv. Ken will contact the Town's legal counsel for an example ordinance and will ask the golf course if they are using biosolids.
- 3. Adjournment
 - a. Scott made a motion to adjourn the meeting at 7:35 p.m. Kent seconded. All in favor by roll call, motion carried.

Next Meeting: 2024 May 6, 5:00 p.m. at the Meeting House
 Minutes submitted by Kathleen McKay, Administrative Assistant