

Town of Canterbury, NH
Board of Selectmen
Date: 2024 April 15
Location: Meeting House

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

Town Administrator: Ken Folsom

Department Heads: Sam Papps (Town Clerk/Tax Collector), Justin Crotty (Police), John O'Connor (Highway), Michael Gamache (Fire), Rachel Baker (Library)

Others Present: Edgar Rivera (Libertad Press NE), Michael Dumas (PD), Deanna Sepessy (PD), Bob Rogowsky, Mike Pinard, Joanna Michno, John Michno, Stephanie Jackson, Lisa Shapiro, Joshua Gordon, Douglas Pounds, Howard Moffett

1. Call to Order
 - a. The meeting was called to order at 5:00 p.m.
2. Department Heads
 - a. Sam Papps (Town Clerk-Tax Collector)
 - i. Sam distributed the All Unpaid Receivables Listed by Warrant 4/15/2024.
 - ii. The properties listed in 2023P01 and 2023P02 are set to be lien next Wednesday.
 - iii. Jessie and Sam went to tax training last week and will be attending town clerk training in the first week of May.
 - iv. The properties listed in 2021L01 will be deeded in June.
 - v. Voting Machine Update
 1. The State sent out a memo this morning that the voting machine has been given conditional approval. It will likely not be available until 2025.
 2. This money was encumbered from the 2023 budget, so it will need to be encumbered again. Sam, Ken, and Mary Hauptman (Accounting Clerk) will discuss if this is possible.
 - b. Michael Gamache (Fire)
 - i. Chief Gamache distributed Canterbury Fire Department Selectmen's Report 3/18/24 through 4/15/24.
 - ii. There have been 138 incidents this year, up 42% over 2023. All of the calls have been standard and no specific reason for the increase has been identified.
 - iii. The Department staffed overnight for two winter storms.
 - iv. Canterbury Shaker Village is working with Chief Gamache to find a company to do their fire alarms and sprinkler system.
 - v. The Pancake Breakfast is on Saturday. There were 125 attendees last year.
 - vi. The Department is attending wildfire training this evening. Several members will be attending a large animal rescue training next week.
 - vii. Chief Gamache has reached out to our local and state representatives for help with attaining the 2023 Assistance to Firefighters Grant. Senator Hassan's office has replied.
 - viii. They have begun planning NHMS coverage for the race June 21-23. They will be providing services all 3 days.
 - ix. Naloxbox has been installed at the Library. The program is currently only providing one per community, but they are seeking grants for more.

- x. The 2nd Forestry vehicle experienced catastrophic pump failure that would be \$5K to repair. They are thinking of decommissioning it and using it as a flatbed instead.
- xi. New Dry Hydrant
 - 1. 3 years ago it was determined that the southern part of Town had no access to water for emergencies; the closest water source being the Sam Lake House Pond.
 - 2. They have identified a stream on Pickard Road that would support a dry hydrant.
 - 3. They got a bid for \$4,300 to install it, but there is no money in the budget at this time.
 - 4. Chief Gamache asked the Selectboard to think about it and get back to him.
- xii. There is a rest area off of 132 that people have been using as a cut through onto the highway. The owner is going to put up a locked gate and give the Fire Department an access key.
- c. Justin Crotty (Police)
 - i. Chief Crotty distributed the Personnel Analysis Reports 3/18/2024 through 4/15/2024.
 - ii. Unit 1 is now ready for patrol. Officer Dumas started and is in the process of training.
 - iii. The new policies that Chief Labrecque had been working on are almost finished. When all of them are finished, Chief Crotty will distribute them and have all PD members sign. See Selectboard Minutes 3/18/24 Section 3.e.iv. for previous discussion.
 - iv. IT came to look at several computer issues and determined that 4 computers in the office need to be replaced. They will replace 2 this year and 2 next year.
 - v. The transition from Chief Labrecque to Chief Crotty is going well.
 - vi. The Selectboard discussed when the PD sets up a car at Canterbury Elementary School. They generally try to have an officer there when school lets out to prevent parents from blocking Baptist Road.
 - vii. Ken is getting someone to come teach the PD how to program the light on the school zone sign.
 - viii. Deanna Sepessy, the new Police Administrative Assistant, introduced herself. Jan Stout will be staying on long enough to train her. She will be working 30 hours a week.
 - ix. Scott administered the Police Department oath of office to Michael Dumas and the Selectboard signed it.
- d. Rachel Baker (Library)
 - i. Rachel is working on getting an automatic door opener for the front entrance of the Library. ADA doesn't require one, but she found a \$600 option and will bring the proposal to the Library Trustees.
 - ii. The foam pillars still need to be repaired, a new contractor has been hired to come do that.
 - iii. Jim Snyder fixed the solar panel inverters.
 - iv. The new color copier has arrived. With the contract, they essentially just pay for paper, so Rachel is encouraging the other departments to use it too.
 - v. Ken found some speaker equipment in the Town Hall basement that could be used to resolve the sound system issues. Rachel and Ken are continuing to work on this. See Selectboard Minutes 3/18/24 Section 3.c. for previous discussion.
- e. John O'Connor (Highway)
 - i. There have been several snow and rain storms this month. At one point they had 8 roads closed at the same time.
 - ii. T7 came back from the shop in time for the storm. T1 came back, but it only lasted a day before it started leaking oil again. The new backhoe has been working well.
 - iii. They are doing a lot of fallen tree cleanup with the chipper and road grading. There was some difficulty getting the burn pit going.
 - iv. This past weekend had a couple washouts, one on Carter Hill Road and one a plugged culvert on Borough Hill Road.

- v. Evan Hauptman's last day is Thursday. They are expecting another resignation shortly.
- vi. Ken met with John, Art Rose, Kent, and Beth to discuss using ARPA money on dirt roads. Ken is waiting on some info from Art Rose to move forward with that. See Selectboard Minutes 4/1/24 Section 7.a. for previous discussion.

3. Administration

- a. The Selectmen signed:
 - i. Kent made a motion to sign the Accounts Payable Manifest in the amount of \$92,226.67. Beth seconded. All in favor by roll call, motion carried.
 - ii. Kent made a motion to sign the Payroll Manifest in the amount of \$63,141.72. Beth seconded. All in favor by roll call, motion carried.
 - iii. The Selectmen signed an interfund transfer from Operating Account to the Conservation Commission Fund in the amount of \$11,088. This is a Land Use Change Tax Payment.
 - iv. The Selectmen signed a Notice of Intent to Cut Wood or Timber for Map 256 Lot 5.
 - v. The Selectmen signed a Notice of Intent to Cut Wood or Timber for Map 227 Lot 2.
 - vi. The Selectmen signed a Veterans' Tax Credit Application for Map 253 Lot 8.
 - vii. The Selectmen signed a Yield Tax Levy in the amount of \$755.22 for Map 225 Lot 2.
- b. Previous Minutes Approval
 - i. Kent made a motion to approve the public minutes for the Selectmen's meeting on April 1, 2024. Beth seconded. All in favor by roll call, motion carried.
 - ii. Kent made a motion to approve the executive session minutes for the Selectmen's meeting on March 18, 2024. Beth seconded. All in favor by roll call, motion carried.

4. Mark Akerstrom re offer for Town-owned property Map 208 Lot 9

- a. Mark and Sharon Akerstrom were in attendance.
- b. The Akerstroms came to the Selectboard 2 years ago with an offer for this property. There were issues with the deed and the offer languished. Recently, they contacted Ken again and would like to continue negotiations.
- c. The Town's counsel has said that because the Town took the land for non-payment of taxes, the title was automatically cleared.
- d. The Akerstroms explained that they have contacted several parties to try and get the deed research done. All people they have consulted with agree that it does not have a clean title. They now have a lawyer who is willing to do the deed research and it will likely cost between \$10K and \$15K. The research may not be successful, but they are willing to take that risk.
- e. Ken confirmed that they know the lot may not even be buildable.
- f. The Akerstroms said they would like to leave the lot on its own and clear up the deed just in case it does end up being buildable. They are willing to take the risk that it isn't buildable.
- g. The assessed value of the lot is \$39K. The Akerstroms would like to offer \$24K to account for the legal fees they will need to pay to clear up the deed.
- h. Kent suggested accepting \$29K for the property. That would allow for the low-end estimation of the legal fees. Beth and Scott agreed.
- i. The Akerstroms said they would like to think about it.
- j. The Selectboard and the Akerstroms agreed that the Town will keep this offer open and not entertain any other offers until the next meeting, May 6th.
- k. Mark said he will let Ken know by May 1st so that a purchase and sales agreement can be created to signed at that meeting.

5. Greg Meeh re Planning Board (PB)

- a. Right To Know (RTK)
 - i. The PB has been discussing RTK laws. They will be having some members teach the rest of the board about this topic. Greg expects questions from those who use their personal computers to do PB work about how their privacy is protected during an RTK Request.

- ii. Ken said that the Town has previously discussed this with counsel and NHMA. The main requirement is that officials use separate email addresses for their official and personal business.
 - iii. Greg said that most PB members don't have Town emails and are using personal accounts.
 - iv. NHMA is hosting a workshop about RTK this week. Greg is encouraging PB members to attend. Beth and Kal are both attending.
- b. Alternates
 - i. The PB would like to appoint Jonas Sanborn and Brendan O'Donnel as alternates.
 - ii. Kal will create appointment slips for the Selectboard to sign.
- c. Official Road Map
 - i. See Selectboard Minutes 4/1/24 Section 5.b. for previous discussion.
 - ii. CNHRPC printed copies of the maps that are on file with the Merrimack County Registry of Deeds. This is essentially the Town's "Official Road Map" until a new one is created and signed by the Town Clerk.
- d. Road Waivers
 - i. Greg spoke with Ken previously about the road waiver application. The language of the Zoning Ordinance has changed and now the Zoning Ordinance and the Road Waiver Application use different standards.
 - ii. The Zoning Ordinance refers to "current Class VI road standards" (Article 5, Section 5.2, D, 4). The Road Waiver application refers to "a suitable width for travel" and "a good and passable condition".
 - iii. The PB has discussed changing their language to match the application by defining a standard below Class VI for things like shared driveways.
 - iv. Scott expressed his desire to require fire truck access at a minimum.
 - v. Ken said that the Town may not have any power to dictate such a standard for driveways. Currently, the Town only looks at where the driveway intersects with a public road.
 - vi. Defining the difference between a private road and shared driveway could be a function of how many houses are on the "road".
 - vii. The Selectboard decided to table this discussion for another meeting.
- 6. New Business
 - a. Letter from Donna Miller re Center Beautification Committee
 - i. See Selectboard Minutes 4/1/24 Section 7.b.ii.6. for previous discussion.
 - ii. Ken distributed a letter from Donna Miller regarding the Center Beautification Committee. She dropped this off at the office last week. It contains information about what she and Jim have done in their time on the Committee. It is an FYI since she saw the Selectboard discussing this at the last meeting.
 - iii. Beth asked if Center maintenance should be broken up between departments and committees instead of a single committee.
 - iv. This topic was tabled until the next regular meeting.
 - b. Historical Society Suggestions
 - i. Power to Houser Museum
 - 1. The Town is currently spending \$41-50 per month on the electricity supply to the Houser Museum Building. Most of that is the cost of the line. The building is only used once or twice a year.
 - 2. The Historical Society suggested that since the Library's parking lot is getting repaved, maybe a line could be run from there. This could save \$500 per year.
 - 3. The Selectboard discussed multiple options including a solar panel and running a line from the Town Hall instead of the Library.

4. The building needs power for a light and the security system which is primarily used for fire detection.
5. The Selectboard agreed that Ken should look into running a line from the Library to the Houser Museum.
- ii. Internet access at Elkins Museum
 1. The Historical Society would like to use this building as a meeting space and requested that internet be installed.
 2. Ken will give Comcast a call to ask about this. He will ask if they might do it for free, otherwise the Town will pay for it.
- iii. Tri-centennial Committee
 1. Canterbury's tri-centennial anniversary is in 2027.
 2. The Historical Society suggested forming a committee to decide how the Town will celebrate it and organize any events. They would like a seat on the Committee, but do not want to be the whole Committee.
 3. The Selectboard decided to form a committee for this purpose.
 4. Ken will look at what other towns have done regarding lead time of committee formation.
- c. Lyford Pond Dam
 - i. Ken distributed a letter from NH DES regarding Sinkhole and Leakage Notification, Lyford Pond Dam, D038015.
 - ii. A number of abutters from the Lyford Pond area were in attendance.
 - iii. The Town was forwarded a letter that NH DES sent to Canterbury Shaker Village (CSV) on 4/2/24. The letter provided details about a sinkhole and leakage that were discovered at the Lyford Pond Dam on 4/1/24. It says that the DES believes CSV is the owner of the dam and needs to take immediate action to lower the level of the pond.
 - iv. Joanna Michno (Board Member of the Sherwood Forrest Association (SFA)) spoke about the recent history of discussions between CSV and SFA regarding the Lyford Pond Dam.
 1. In 2021 or 2022 CSV and SFA met to discuss ownership of Lyford Pond Dam and New Pond Dam.
 2. SFA said they would accept ownership of New Pond Dam but not Lyford Pond Dam. SFA currently pays the annual registration fee for New Pond Dam, but CSV is still the official owner.
 3. CSV says they do not own the dams because when the property was sold, the deeds did not mention "dams".
 4. During that conversation CSV said they might have to breach the dam. SFA said that could lead to a lawsuit from abutters, so they should work with the abutters. As far as Joanna knows, CSV has not made any attempts to contact the abutters.
 - v. James Weber (Dam Safety Engineer from NH DES) spoke about what the DES knows about the situation.
 1. The Town was supposed to be cc'd on the letter to CSV, he will try to figure out why that was not received by the Town.
 2. In 2022, CSV provided DES with an opinion from an attorney that they are not the owners of the dam. They also contested ownership in 1996.
 3. DES considers "water rights" to be equivalent to "dam". Since the deeds gave CSV "water rights", that means CSV does own the dams in question.
 4. DES is currently drafting an administrative order to force CSV to fix Lyford Pond Dam. CSV will have the ability to contest ownership. If they do, the Attorney General will have to decide.

5. On 4/1/24 James Weber was notified about a sinkhole in Lyford Pond Dam. He has visited this dam before and on this trip observed a sinkhole and unprecedented seepage and leakage.
6. On 4/12/24 Mr. Weber visited the site again. The water level was higher and flowing over the spillway. The initial sinkhole was larger and small sinkholes were appearing on the dike. CSV was notified.
7. Earlier today (4/15/24) Mr. Weber visited the site again. The water level was down a little bit compared to 4/12, but still flowing over the spillway.
8. DES and abutter Mike Pinard will continue to observe the condition of the dam. The 10-day weather forecast does not predict significant amounts of rain.
9. Internal erosion like this is the 2nd leading cause of dam failures. If this dam were to fail, there would be general flooding impacting neighboring houses and Route 106. The impact was determined by a computer model that uses worst case assumptions.
10. DES conducts a routine inspection of these dams every 4 years. The last one was in 2021. At that time, DES sent CSV a letter of deficiency which told them to create an emergency action plan and hire an engineer to scope out how to fix it.
11. If CSV does not take action or there is an emergency, DES may be forced to perform a controlled breach of Lyford Pond Dam to reduce safety concerns.
12. Lowering the water level is a temporary measure to prolong the life of the dam before repairs can take place. The water level could be lowered several ways.
 1. Using the valve at the base of the dam. It hasn't been used in many decades and may not work. If it does work, it may not be closable.
 2. Using siphons to pump a controlled amount of water over the top of the dam.
 3. Breaching the dam.
13. The dam could be repaired by installing a berm and filter on the down side of the dam. The Lyford Pond Dam style of dam is called "double stone wall dam".
14. The calculation for how much water must be removed has not been done yet. If DES is forced to perform a breach, they will lower the water level as much as possible.
- vi. Several abutters expressed concerns that lowering the water level of the pond would decrease property values in the area and harm the environment.
- vii. Mr. Weber said that if CSV accepts ownership of the dam, they could also choose to remove it completely rather than repair it. If it was removed, it likely wouldn't be possible to rebuild the dam due to wetland permit restrictions. If it was partially breached, it could be reconstructed to the original height. Usually removal is about the same price as reconstruction. Likely around \$500K.
- viii. After the 2021 DES letter, CSV received a proposal from an engineering consultant. The work was never done and the proposed cost is not public knowledge.
- ix. Mr. Weber distributed his business cards so that he could cc abutters on notifications and timelines going forward.
- x. Todd Muffoletto is the Facilities & Property Manager at CSV. They do not currently have an executive director, so he is the contact person for now. The Board of Trustees are the ones with decision making power.
- xi. Mr. Weber is not aware of any state grant money that could be applied to fixing this dam. However, he knows of someone who raised money for a similar project in Windam. He will provide Ken that contact information.
- xii. Mr. Weber said that there are statutes that could allow the Town to take control of "derelict dams", but they haven't been used in about 100 years. Ken said that something like that would need to be a warrant article at Town Meeting.

- xiii. Mr. Weber said that the Town could also work with CSV to install the siphon system as a short term solution. He will ask his boss if he could do the calculations for how much water needs to be removed and how many siphons are needed. An engineer would need to estimate the cost of installing the siphons. The siphon would need to be checked daily.
- xiv. Abutters present said they would allow the Town access to the area with coordination.
- xv. The Selectboard could also write a letter or call CSV to indicate concern and support for resolving this issue quickly.
- xvi. The Selectboard agreed to discuss this further at their working session tomorrow (4/16/24).

d. Boscawen Inter-Municipal Agreement for Code Enforcement

- i. See Selectboard Minutes 9/25/23 Section 4. for previous discussion.
- ii. Boscawen and Canterbury already have an agreement to help each other with building inspection. They have requested a similar arrangement for code enforcement.
- iii. They are in the process of hiring someone, so this would be temporary. They are aware that Joel's first commitment is to Canterbury, so it may take him a few days to address their cases.
- iv. Canterbury would pay Joel and then Boscawen would reimburse the Town for that work.
- v. The Selectboard agreed to this arrangement. Ken will write up the agreement for them to sign and speak with Joel.

e. Meeting House Streaming Equipment Update

- i. See Selectboard Minutes 4/1/24 Section 6.e. for previous discussion.
- ii. Ken will be meeting with Bacon Electric this week to see if there is a better option to what is currently installed.
- iii. He will also ask about running the electric line to the House Museum.

f. Town Hall Floor Update

- i. Ken sent the Selectboard an estimate from Concord Carpet to redo the Town Hall floor in the additional bathroom, kitchen, and hallway. It would be \$4K for removal/disposal, installation, and base molding. Ken will reinstall the toilet himself.
- ii. Concord Carpet fixed the floor after the leak in the other bathroom. See Selectboard Minutes 2/20/24 Section 4.b. for previous discussion.
- iii. The Selectboard agreed to have Concord Carpet do this work.
- iv. Ken will create an interfund transfer from the Emergency Building Capital Reserve Account for the Selectboard to sign.
- v. The \$1K in the 4194.2 Town Hall Maintenance of the 2024 Budget is reserved for tuning the furnace.

7. Old Business

a. Committee Appointments

- i. See Selectboard Minutes 4/1/24 Section 7.b for previous discussion.
- ii. The Selectboard signed appointment slips for the Agricultural Commission. The appointments were 3 year terms for Craig Pullen and Eric Glines.
- iii. The Selectboard signed appointment slips for the Community Power Committee. The appointments were 2 year terms for Tom Franco, Cheryl Franco, and Ellen Scarponi.
- iv. The Selectboard signed appointment slips for the Conservation Commission. The appointments were 3 year terms for Steve Seron and Charles Comey (Alternate).
- v. The Selectboard signed appointment slips for the Energy Committee. The appointments were 3 year terms for Claudia Leidinger and Beth McGuinn.
- vi. The Selectboard signed an appointment slip for the Perambulator. The appointment was a 7 year term for Mark Stevens.
- vii. ZBA Appointments

1. Scott and Kent both stated that they would not like to reappoint Joseph Halla to the ZBA. Beth was initially unsure, but after discussion decided not to sign the reappointment slip.
 2. If Mr. Halla is not reappointed, the ZBA will need to elect a new Chair. Until someone else is appointed, Mr. Halla will keep his position on the ZBA.
 3. Kent said he has talked with Brendan O'Donnel and Kelly Stonebraker, both of whom would be willing to join the ZBA.
 4. Scott will call Mr. Halla and the rest of the ZBA to let them know of the decision.
 5. Kent will contact Brendan and an appointment slip will be created for him.
 6. The Selectboard signed appointment slips for the Zoning Board of Adjustment. The appointments were 3 year terms for Calvin Todd, F. Webster Stout, and Lisa Carlson (Alternate).
- b. Comcast Update
- i. See Selectboard Minute 10/16/23 Section 3.a.v. or Annual Meeting Minutes 3/15/24 Article 14 discussion for previous discussion.
 - ii. It was announced at the Annual Town Meeting that Comcast was awarded the BMGI grant and broadband internet will be installed for the remaining approximately 256 residences in town that do not currently have it.
 - iii. Comcast will provide a drop to every house for no cost up to 250 ft. Beyond that distance, they will charge, but are willing to look at individual situations.
 - iv. The last time estimate they provided was completion of this project by October 2024.
 - v. Ken will call them and ask for a line to be dropped at the Transfer Station.
- c. Offer for Town-owned property Map 102 Lot 52
- i. See Selectboard Minutes 4/1/24 Section 7.f. for previous discussion.
 - ii. Sandra Steenbergen had asked how much the Town would like to sell Map 102 Lot 52 for.
 - iii. Kent said that he would like to put a condition on the deed that the property wouldn't be buildable due to the land being very steep and mostly ledge.
 - iv. The property was assessed at \$12,200 and is .25 acres. They sold her the neighboring lot with the same no-build condition for \$2,500 earlier this year.
 - v. The Selectboard agreed to offer the property to Ms. Steenbergen for \$2,500 with the condition that it cannot be built on. This offer is valid for 60 days and the Selectboard will not entertain other offers until the offer expires on 6/15/2024.
- d. Proposals for Historical Society mini-spilt
- i. See Selectboard Minutes 4/1/24 Section 6.g. for previous discussion.
 - ii. Sam met with a third company, Home Energy Products (of Belmont). They submitted a bid for \$5,700. Sam and Ken both recommend accepting this bid.
 - iii. They also spoke with Home Energy Products regarding a maintenance plan. He said that wouldn't be necessary since maintenance is just cleaning the filter. Anything else would be a repair.
- e. Land Use Administrator
- i. See Selectboard Minutes 4/1/24 Section 7.e. for previous discussion.
 - ii. The application period for this position closed today 4/15. One application has been received. Ken would like to move forward with the interview process.
 - iii. The job description is likely to change based on the needs of the Planning Board and the input of the person who is hired. Staying within the budgeted hours will be a priority.
- f. Action Item List
- i. The Selectboard reviewed the action item list. How should this list be handled in the future?

- ii. The first meeting of the month usually has less on the agenda, so they could review the list and work on unfinished items. They won't know if time will allow for this until the next meeting.
 - iii. Ken could also email out updates on completed items.
8. Adjournment
- a. Scott made a motion to adjourn the meeting at 8:28 p.m. Kent seconded. All in favor by roll call, motion carried.

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| Next Meeting: | Working Session | 2024 April 16, 5:00 p.m. at the Sam Lake House |
| | Regular Meeting | 2024 May 6, 5:00 p.m. at the Meeting House |

Minutes submitted by Kathleen McKay, Administrative Assistant