

Town of Canterbury, NH
Board of Selectmen
Date: 2024 January 8
Location: Meeting House

Selectmen:

Cheryl Gordon (Chair), Kent Ruesswick, Scott Doherty

Town Administrator:

Ken Folsom

Others Present:

Greg Meeh (Planning Board Chair)

Edgar Rivera (Libertad Press NE)

Beth Blair

1. Call to Order

- a. The meeting was called to order at 4:59 p.m.

2. Administration

a. The Selectmen signed:

- i. Kent made a motion to sign the 12/31/23 Accounts Payable Manifest in the amount of \$6,884.17. Scott seconded. All in favor by roll call, motion carried.
- ii. Kent made a motion to sign the 1/8/24 Accounts Payable Manifest in the amount of \$440,133.13. Scott seconded. All in favor by roll call, motion carried.
- iii. Kent made a motion to sign the 12/21/23 Payroll Manifest in the amount of \$47,345.07. Scott seconded. All in favor by roll call, motion carried.
- iv. Kent made a motion to sign the 1/8/24 Payroll Manifest in the amount of \$58,619.41. Scott seconded. All in favor by roll call, motion carried.
- v. Kent made a motion to sign the 2024 Encumbrances in the amount of \$583,681.66. Scott seconded. All in favor by roll call, motion carried.

- b. Scott made a motion that the Selectboard authorize Ken Folsom to be the signatory on behalf of the Town for the Department of Natural and Cultural Resources grant being received by the Fire Department. Kent seconded. All in favor by roll call, motion carried. This vote allows Sam Papps (Town Clerk) to sign the Municipality Certification of Authority.

c. Previous Minutes Approval

- i. Kent made a motion to approve the public minutes for the Selectmen's meeting on December 18th, 2023. Scott seconded. All in favor by roll call, motion carried.
- ii. Scott made a motion to approve the executive session minutes for the Selectmen's meeting on December 18th, 2023. Kent seconded. All in favor by roll call, motion carried.

3. Planning Board (PB)

- a. PB Chair Greg Meeh, provided an update to the Selectboard on PB activity and concerns.
- b. The PB will be bringing forward several warrant articles proposing zoning changes based on the new Master Plan. These have been sent to the Town's counsel. It is not needed, but they would like the Selectmen to review the proposals and endorse them in the Town Report.
- c. The PB would also like to encourage the Selectmen to include the new Land Use Professional position in the 2024 budget. They have identified several projects that need to be done and cannot be accomplished with a board of volunteers. There are also a number of tasks that the PB Secretary has been doing which need to be offloaded to another position.

- d. The PB have learned at state-wide meetings that several rules in the Town's Zoning Ordinance (including minimum acreage and frontage requirements) are commonly considered indefensible due to being "onerous" and "unsupportable". This means that a large enough developer would likely be able to force the Town to disregard those rules by taking the issue to court.
- e. The PB would like to have the Land Use Professional examine the ordinance to determine what rules may not be legally defensible. This would allow them to reshape the rules in question to be more "survivable" before a legal challenge occurs.
- f. This issue is related to how the Town decides which roads to maintain. Some feel that any road with a house on it should be maintained by the Town. However, such a change would be far beyond the current road maintenance budget and bringing some roads up to a maintainable standard would have a significant cost initial. This issue comes up in nearly every PB meeting, especially for Class VI and discontinued roads.
- g. NHMA recommends that towns have road dossiers which include information such as how the road was originally chartered and the condition of the road. This would be considered a legally defensible document and help determine what if any maintenance changes should be made. The Highway Department does keep records on the current status of roads and the Road Agent goes to check on every Class VI road with Road Waivers in place twice a year. See Selectmen's Minutes 11/6/2023 Section 3.c. for most recent report.
- h. Encouraging and/or requiring road maintenance agreements could help decrease some of the conflicts surrounding Class VI and discontinued roads.
- i. NHMA also recommends having an updated Capital Improvement Plan (A Hard Road to Travel – 2015 Edition, pg 140). This is a document that the PB traditionally create and update annually. It includes information about how municipal resources (e.g. EMS, Highway, Schools) would need to be adjusted if more residences were created. The last Capital Improvement Plan was created in 2019 by Ken and Jan Stout.
- j. Enforcement is another very common topic in PB meetings. The situation is better than before, but they still get many questions about why ordinances are not enforced. Enforcement of ordinances is the responsibility of the Selectboard, but also requires town office resources to find violations, work with property owners to correct violations, and proceed with legal action if corrections do not occur. A Land Use Professional could relieve the administrative strain and allow for more consistent enforcement.
- k. The PB would also like help with processing applications that come in. [RSA 676:7](#) states that an application must go to a public hearing within 45 days of receipt. The PB has come close to missing this deadline before.
- l. The PB also doesn't have the time or expertise to closely examine the technical notes on site plans. The Town has been lucky to not run into major problems, but there have been a few applications that appeared to intentionally try to misrepresent the project.
- m. The Land Use Professional is in the current draft of the 2024 Budget at \$20 per hour for 15 hours a week. Ken and Mandy Irving (Assessor) are creating a job description and comparing the duties and wages to similar positions in other towns.
- n. The wages for this position would partially come from a reduction in hours for the PB Secretary position. The Assessor's wages would not decrease since their pay was not increased when they started doing work for the PB.
- o. The creation of the Land Use Professional position is similar to when the Town created the Town Administrator position. Having only a secretary and volunteer board meant that board meetings were very long and a lot of needed work wasn't actually getting done.
- p. The PB is also going to be changing their process to have a preconceptual type meeting to make sure applications are complete before holding a public hearing.

4. New Business

- a. Executive Session Privacy
 - i. Ken reminded the Selectmen that the information discussed during executive sessions must remain confidential. These sessions are protected from public disclosure by RSA 91-A:3 and are meant to ensure personnel privacy. Discussing this information with the public could result in legal action against the Town and the removal of responsible public officials under RSA 42:1-a.
 - ii. Someone reported suspicions to Ken that information discussed in the 12/18/2023 executive session may have been leaked. A member of the public appeared to be aware of what was discussed at that meeting. It has not been confirmed how they knew this information.
- 5. Old Business
 - a. Windswept Farm Trailer
 - i. See Selectmen's Minutes 12/18/2023 Section 4.d. for previous discussion.
 - ii. Ken talked with the property owner. The owner explained their reasoning for parking the trailer there and that they do not want to move it.
 - iii. John O'Connor (Road Agent) confirmed that the area is the right of way even though the property owner previously improved it without permission.
 - iv. The Selectmen decided to side with John. Ken will contact the property owner to let them know that they must move the trailer.
 - b. 2024 Budget
 - i. See Selectmen's Minutes 12/4/2023 Section 3. for previous discussion.
 - ii. EMT Wages (Item 4220.00) and related items will likely be underspent due to EMT retiring in March. Can't change the budget until resignation is formalized.
 - iii. Selectmen Salaries (Item 4130.1) is going up because the Budget Committee proposed a raise in the meeting on 12/4/2023.
 - iv. Warrant Articles
 - 1. Backhoe and Grader won't have much of a tax impact because the Capital Reserve Funds for each are nearly sufficient to cover those expenses.
 - 2. The Gold Star Bond will be paid off in 2 years.
 - v. The Town spends a lot on heating (\$20K per year for the Municipal Complex). The Selectmen decided to ask the Energy Committee to investigate the costs and benefits of installing mini-splits.
 - vi. Dirt Road Repair
 - 1. The Selectmen decided to use the ARPA funds to repair the dirt roads. Ken will talk with John O'Connor (Road Agent) to get quotes from a few companies to see how far the money will go. This may not need a warrant article, but they would like to present this information at the Town Meeting anyway.
 - 2. This repair would be adding material and doing some ditching.
 - 3. Roads would be prioritized based on the road tracking system the Highway Department maintains.
 - vii. The Selectboard meeting on February 5th will be the public hearing for the budget. So the next meeting on January 22nd is the last time to discuss the budget before then.
 - viii. The Solid Waste Committee may have a few large proposals for the 2025 budget. This includes new ways to pay for bags, covering more area with a roof, and changing traffic lanes.
 - c. 2023 Town Report
 - i. See Selectmen's Minutes 11/13/2023 Section 3.e. for previous discussion.
 - ii. The Selectmen decided to email their discussions and thoughts on who the Town Report should be dedicated to so that it can remain a surprise.

- iii. The reports from each board/committee/department are due on 1/18/24. Usually, the Chair writes the Board of Selectmen report.
- iv. The size of the report is going to depend on how many pages it is. The printer said that we need to stay under 80 pages. If we go over, the report can't be stapled. It will have to be bound and glued which adds cost and time to production.
- d. Zoning Violation at Canterbury Country Store
 - i. See Selectmen's Minutes 12/18/2023 Section 5.b. for previous discussion.
 - ii. The Selectmen tabled this issue at the last meeting.
 - iii. The signs at the store are a violation of the ordinance, the question is if the Selectmen want to enforce the rule or not.
 - iv. Both Scott and Kent drove around town to see what other businesses were doing. At least 6 additional businesses were found to not be in compliance including the Shaker Village.
 - v. The Selectmen haven't contacted the HDC to see if they had an opinion, but they know the HDC was heavily involved in the 2023 renovation of the Store.
 - vi. The Town's [Zoning Ordinance](#) Article 2 Section 2.6 states the amounts and types of signage allowed for businesses. The HDC does not have any additional rules that apply.
 - vii. Historically the Selectmen are not responsible for seeking out violations, but when they are notified of a violation, they must act on it. Either to enforce or formally say they will not enforce.
 - viii. Scott and Kent do not believe it would be fair to target one business and not enforce the rule everywhere in town.
 - ix. Cheryl thinks it is important for the Selectmen to enforce the rules.
 - x. If the Selectmen were to enforce a violation, a notice would be sent to the property owner and the Town would try to work with them to correct the situation.
 - xi. Whether or not violations are enforced has been "consistently inconsistent" over the years.
 - xii. The Selectmen discussed changing the sign ordinance so that it is reasonable and enforceable. Is the purpose of the ordinance to ensure signs are attractive and in character with the business?
 - xiii. Scott made a motion to not enforce Zoning Ordinance Article 2 Section 2.6 at the Canterbury Country Store. Kent seconded. Kent and Scott voted in favor, Cheryl voted against. Motion carried.
- 6. Adjournment
 - a. Scott made a motion to adjourn the meeting at 6:39 p.m. Kent seconded. All in favor by roll call, motion carried.

Next Meeting: 2024 January 22, 5:00 p.m. at the Meeting House

Minutes submitted by Kathleen McKay, Administrative Assistant