

**CANAAN BOARD OF SELECTMEN
MEETING MINUTES
Tuesday, August 4, 2020**

Scott Borthwick called the open meeting to order at 5:00 PM at the Canaan Meeting House. In attendance were Selectmen Scott Borthwick, Dave McAlister and Al Posnanski, and TA Samson. Others: Ellie Davis and Doug Wright.

Minutes July 21, 2020

Motion by Dave McAlister and Second by Al Posnanski to approve the minutes of 7/21/20. Unanimous.

Budget v. Actual

Samson reported that the finances are still strong for this year. In addition to about a 2% increase in mid year property tax revenues, we will also receive about \$30,000 more highway block grant money.

Samson reviewed Town borrowing and recommended that we start paying back loans from Mascoma Bank in light of our healthy revenues. He recommended that the Town repay the FEMA anticipation note for \$250,000. This note was to temporarily reimburse us for the amount we anticipate receiving from FEMA on the July 2019 flood. We used the funding to cover the school payment for May. Now that we have exceeded the goal for tax revenue, it is time to repay the FEMA anticipation loan. The second note for \$334,000 is a Tax Anticipation Note that we used to fund the Fairpoint lawsuit settlement in 2019. The annual note is due to be paid this month. The principal is \$334,000 and the plan is to pay it off over 5 years as an annual revolving note. Samson asked for authority to pay off the entire \$334,000 borrowed from last year and take out a new annual Tax Anticipation Note in the amount of \$268,000 which would be a \$66,000 pay down against the original principal. Motion by Dave McAlister and second by Al posnanski to approve the payoff of both loans and the creation of a new Tax Anticipation Note in the amount of \$268,000. Unanimous approval.

Dogs on the Beach

Samson indicated that there was a significant verbal altercation between a Town resident and a Lake Host member on the boat ramp at the Town beach. The Lake Host volunteer (checks for milfoil) told the resident to take his dogs off the beach and the resident was alleged to have used profanity against the Host and refused to take the dogs away. His argument was that the beach does not include the Town boat launch. A third party at the beach called a police officer and the Lake Host left the beach because she feared violence. The Police indicated that there should be clarity about “no dogs on the beach”. In the past if someone was launching a boat and had a dog, they could take the dog by leash from their car to the boat. That was not the case in this event. The resident with the dog had no boat. The resident stated his dogs were on a leash but other witnesses said they couldn’t tell whether that was accurate. Samson asked the Board to clarify the regulation by declaring that no one can have a dog or allow their dog to be on any of the Town land occupied by the

boat launch, beach or museum at any time other than on the strip of land between the road and the shore side of the sidewalk along Canaan Street. If the dog is on the sidewalk, it must be on a leash sufficient to keep the dog from going further into the beach property, Motion by Al Posnanski and second by Dave McAlister to approve the requested changes in the regulation. Unanimous approval.

Water Line Replacement

Samson indicated that John Coffey was successful in scoring twelfth out of 18 selected applicants to receive DES State Revolving Fund loan money for the replacement of the water main from the Water Treatment Plant by Canaan Street Lake to the Village of Canaan. The total cost of the project is expected to be \$1.1 million dollars and the loan would fund \$550,000 through a 30 year loan at an interest rate of 1.37%. This loan would require annual debt service of about \$22,368 a year from the water and sewer fund. We would need to raise an additional \$25,000 to create a future capital reserve funding program. We would need to immediately fund \$100,000 of the project and we would need to be successful in receiving a grant of \$450,000 from the Drinking Water Trust Fund to cover the balance of construction. That application needs to be made by September 10. The water line is well over 140 years old. Samson asked for permission to accept the loan when all of the funding has been received (subject to voter approval), look at changes to the water fees to raise \$47,000 a year and apply for a grant or grants to fund \$450,000 to complete the project. Motion by Al Posnanski and second by Dave McAlister to authorize the three requests. Unanimous approval.

Broadband

Full coverage of the Town with high capacity broadband internet service is a stated goal of the Town. Samson reported that he is one of 5 people appointed by the Grafton County Board of Commissioners to develop a County wide broadband plan. Other Towns represented include Bristol, Littleton, Haverhill, and Campton. The Committee start work in September.

Other Business

Doug Wright Complaint

Doug Wright stated a verbal complaint that he had filed a complaint with the Town at a Selectmen's meeting on September 7 in 2018. He complained that he had never received a written response to his complaint. Initially, no one was sure about the specific complaint. Doug explained he met with the Board on August 7th, 2018 to complain about harrassing motions and comments made by Officer Sam Provenza while Provenza was leading the 2018 Old Home Day Parade. Wright indicated that he believed that these statements and waves were harassment due to Doug Wright and Crystal Eastman's complaints about Provenza's use of force when Crystal Eastman was arrested by Sam Provenza. Doug Wright expected a written response and never received it. He indicated that the Town was changing its complaint policy and he was directed to file a complaint with Chief Frank. The Town was in the process of changing the complaint policy to allow for both written and oral complaints and to allow for two, parallel tracks of investigation; the Police

Department track investigated by one of the two Sergeants with a decision by Frank and an investigation process that used the Town Administrator to review the complaint and make a recommendation to the Board of Selectmen. Only the old complaint system was in force at the time of the complaint by Wright in early August of 2018 but the Board agreed to accept Wright's oral complaint and asked that Wright also file the complaint with the Police Department which, up until that point, had been the only group investigating Police complaints. Wright indicated that he did file with the Police Department and that within two weeks, Sergeant Todd Baravalle performed an investigation. Samson remembered the complaint and indicated he remembered that it was not determined to be harassment by Provenza but did not remember how this finding was communicated to Wright.

The Board accepted this August 4th, 2020 complaint and asked Samson to review the complaint and report back to Wright. Wright wanted all paperwork associated with the complaint. Samson indicated that he would investigate and provide any paperwork he had by the next Selectmen's meeting. The Board remembered receiving a report from Samson in 2018 indicating that Provenza had smiled and waved at everyone along the parade route and neither he nor the Police Department felt that Provenza's action was harassment requiring any disciplinary action. Samson also noted that legally, they (Board of Selectmen) could not discipline an officer anyway as that is the sole responsibility of the Police Chief under New Hampshire law and as explained by Town Counsel. The Board can hold a Police Chief accountable for not following Town policy and short of the police chief committing a significant crime, that is the only level of supervision allowed Selectmen. Wright asked about his request for information under the Right to Know law a few months ago. Samson indicated that he had provided all documents that Wright had requested. Wright asked why lawyer's bills had information blacked out (redacted) on the bills. Samson indicated that Wright had asked how much was paid to Gardner Fulton and Waught on legal work done on the Eastman case. The information about the legal costs of other work unrelated to the Eastman case was not requested and therefore not furnished. Samson advised Wright that he had provided the Manchester law firm supposedly representing Crystal Eastman with a fair amount of material regarding the Eastman case that was not requested by Wright and asked Wright if he had seen it. Wright indicated that he had not seen it. He asked if he could receive it and Samson offered to send it electronically. Wright asked that he be allowed to download it on a memory stick and Samson indicated that he would download it on Wright's memory stick when he brought the stick in. Doug asked why his original request in August of 2018 was not in the minutes of August 7, 2018. Samson said that he did not remember what was in the minutes but assumed that it was discussed in a non-public session. Wright said it wasn't and Samson indicated he would check the minutes. Wright indicated that he thought Sam Provenza lied on the stand during the criminal case and that Sam Frank would cover up anything that Provenza did. The discussion ended with the Board stating that they will follow up on Doug's complaint.

At 6:45 PM Selectman McAlister moved to enter non-public session to discuss legal matters. Posnanski seconded and motion passed unanimously.

At 7:00 PM McAlister moved to exit non-public meeting. Seconded by Posnanski and it was unanimously passed.

At 7:05 PM Selectman Posnanski moved to seal the minutes. McAlister seconded the motion and it was unanimously passed.

At 7:05 PM Selectman Al Posnanski moved to adjourn. Second by Dave McAlister. Unanimously approved.

Scott Borthwick, Chairman

David McAlister

Al Posnanski
Canaan Board of Selectmen