

## 2025-06-23 Board of Selectmen Minutes

Town of Canterbury, NH  
Board of Selectmen  
Date: 2025 June 23  
Location: Meeting House

Selectmen: Scott Doherty (Chair), Beth Blair, Calvin Todd

Town Administrator: Ken Folsom

Others Present: Kal McKay (Admin Assistant), Kay Cushman, Justin Crotty (Police Chief), Megan Portnoy (SWC Member)

1. Call to Order
  - a. The meeting was called to order at 7:30 a.m.
2. Code of Conduct
  - a. See Selectboard minutes 6/16/25 section 9.b. for previous discussion.
  - b. No further feedback or edits have been made since the last draft.
  - c. Scott made a motion to accept and adopt the Canterbury Code of Conduct. Beth seconded. All in favor by roll call, motion carried.
3. Credit Card Machine at Transfer Station
  - a. See Selectboard minutes 5/19/25 section 5.a.vii. for previous discussion.
  - b. Ken provided an update on what he and Mary have done to arrange for the credit card machine.
  - c. The fees (2.99%) and minimum (\$2.50) are the same as for the Town Clerk's office.
  - d. The machine is capable of tracking types of purchases and accepting different types of cards, but because of the learning curve, for now we will continue with paper receipts for tracking and only accepting credit cards.
  - e. If/when we begin to accept debit cards, cashback will not be allowed.
  - f. The Selectboard agreed to start with just credit cards for now.
4. Complaint to Selectboard re Planning Board
  - a. An anonymous complaint regarding the Planning Board was put in Calvin Todd's mailbox on Thursday 6/19/25.
  - b. Ken explained that the Town typically doesn't respond to or act on anonymous complaints. He suggested that the Selectboard forward this letter to the Planning Board Chair. The Planning Board is a separate elected body, so the Selectmen have little to no authority over these matters.
  - c. The Selectboard read the letter and agreed to forward it to the Planning Board Chair.
5. Complaints to Selectboard re Solid Waste Committee
  - a. See Selectboard minutes 6/16/25 section 4 for previous discussion.
  - b. LeeAnn Mackey submitted a complaint against Megan Portnoy on 6/18/25.
    - i. The Selectboard reviewed the letter and discussed the four requested actions.
    - ii. "1. Formally review Megan Portnoy's conduct and whether it meets the standards of ethical participation in Canterbury's public committees and boards."
      1. The Selectboard discussed that Megan had/has the right to make Right to Know requests and record meetings just like anyone else. The RTK requests that she has submitted are not unusual, the office gets these all the time.
      2. The Selectboard decided that no misconduct was found and Megan's participation in the SWC meets ethical and legal standards.
    - iii. "2. Formally disclose and document the use of any unofficial recordings used to influence Select Board actions."

1. The recording Megan made of the 5/26 SWC meeting was legal because it was a public meeting. (RSA 91-A:2, II)
  2. Beth stated that the audio recording of that meeting did not influence any decisions the Selectboard made regarding the SWC, since she was at the meeting.
  - iv. “3. Clarify the expectations and responsibilities of committee and board members regarding disclosure of recordings, use of Right-to-Know requests, and professional communication.”
    1. These topics were covered in the 2024 and 2025 Right to Know trainings that the Town put on. Most of the SWC attended, including LeeAnn.
    2. The Selectboard decided to make an RTK info sheet to provide alongside the Code of Conduct in the hope that it will stem some of the confusion about what is allowed.
  - v. “4. Consider disciplinary action or removal if it is determined that her actions undermined committee or board trust, process, or decorum.”
    1. The Selectboard decided that since nothing illegal or unethical was done by Megan, no disciplinary action was needed.
  - c. Megan Portnoy submitted a response to that complaint earlier this morning (6/23/25).
    - i. The Selectboard read the letter. Megan arrived while they were doing so.
    - ii. Ken reviewed the discussion of LeeAnn’s letter for Megan.
    - iii. Megan explained that she will have to disclose LeeAnn’s complaint when she finishes her doctorate and applies for her license with the State. She requested that any copies of LeeAnn’s letter that are distributed also include her response letter and the Selectboard’s decision so she can prove that the complaint was without merit. The Selectboard agreed.
  - d. Megan Portnoy submitted a complaint against LeeAnn Mackey and Rich Marcou earlier this morning (6/23/25).
    - i. The Selectboard read the letter.
    - ii. The Selectboard reviewed the requested actions.
    - iii. Scott explained that they passed the Code of Conduct this morning, which satisfies the request for “adopting clear ethical guidelines and standards of conduct...”.
    - iv. Scott read aloud the items that the letter requested the Selectboard publicly affirm.

“Residents are entitled to request public records without fear of retribution;  
Public meetings may be lawfully recorded by any member of the public in accordance with RSA 91-A;  
The public does not need permission from any member of any board or committee to record a public meeting;  
Speaking in public forums, even in disagreement, is a constitutionally protected act;  
And retaliatory or misleading use of legal or ethical processes to suppress these rights is unacceptable in Canterbury’s civic culture.”
    - v. The Selectboard discussed that the only change they would like to make to the statement is that anyone has these rights, not just residents or the public. Board/Committee members do not give up these rights by being on a board/committee/etc.
    - vi. The Code of Conduct and RTK info sheet will be displayed prominently at all meeting locations and at least for a while, board chairs will be encouraged to review that aloud at the start of every meeting.
  - e. Ken will send out letters with the Selectboard’s decisions regarding the complaints to the parties involved.
6. Kay Cushman re Borough Road Property
- a. See Selectboard minutes 6/16/25 section 2.e. iv. for previous discussion.
  - b. Ms. Cushman explained that she lives at 69 Borough Road and she and the neighbors have concerns about Sean Bussiere at 47 Borough Road.

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- c. Ms. Cushman said that Mr. Bussiere told her he was planning on running his business out of his property.
  - d. Ms. Cushman expressed concern about the amount of heavy equipment located at the property and that he appears to have two driveways.
  - e. Ken explained that he spoke with the Road Agent about the 2<sup>nd</sup> driveway permit. Mr. Bussiere is allowed to have that and is working with the Road Agent to comply with associated requirements. Mr. Bussiere has no building permit and hadn't talked to the Town about running a business from the property.
  - f. Ken will get in contact with Mr. Bussiere and remind him of the rules for that area.
7. Executive Session
- a. Megan had to leave before this conversation. Scott confirmed with her that he will be referencing a phone call that they had on Friday.
  - b. Scott made a motion at 8:04 a.m. to enter into Non-Public session as per RSA 91-A:3 II (c) to discuss matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board. Beth seconded. All in favor by roll call, motion carried.
  - c. Scott made a motion at 8:33 a.m. to exit the Non-Public session. Beth seconded. All in favor by roll call, motion carried.
  - d. Scott made a motion to seal the minutes. Beth seconded. All in favor by roll call, motion carried.
8. Solid Waste Committee
- a. See above section 5 for previous discussion.
  - b. The Selectboard discussed if it would be best to dissolve, pause, or continue the SWC.
  - c. Beth explained that she would find it difficult to continue the SWC at this time, especially with the Chair and members involved in legal disputes and the Police being called in. These complaints are formal and serious and she doesn't see these members being able to work well together on a committee. She also believes that until the Aries Engineering report is finished, we don't know where the future of the Transfer Station is headed. The SWC wasn't supportive of that process, so at the moment, the SWC isn't useful.
  - d. Calvin voiced his opinion that to have a successful committee, the members need to be able to work well together, and right now the SWC are unable to do that.
  - e. Scott agreed that the SWC are no longer constructively fulfilling their responsibilities as created.
  - f. Scott made a motion to dissolved the Solid Waste Committee effective immediately. Beth seconded. All in favor by roll call, motion carried.
  - g. Scott read a proposed letter to inform the SWC of this decision.
  - h. Beth asked that the letter say the SWC is "no longer" fulfilling its responsibilities. She wanted it on record that until recently the SWC has a lot of constructive discussion, even though much of it didn't reach the Selectboard or final decisions. We can't support the Committee now, but the good work that they did in the past is appreciated.
  - i. Kal printed an edited copy of the letter. The Selectboard signed the letter.
9. Adjournment
- a. Scott made a motion to adjourn the meeting at 8:48 a.m. Beth seconded. All in favor by roll call, motion carried.

Next Meeting: 2025 July 7, 5:00 p.m. at the Meeting House

Minutes submitted by Kal McKay, Administrative Assistant