

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

Tuesday August 25, 2026

Town Hall – Main Room

6:30 PM

Select Board members present: George Willard, Ken Caisse and Clayton Lennartz

Other Attendees: Nick Rowe, Peggy Cournoyer, Robert Schubert, Phil Lauriat, Lilliane LeBel, Boo Martin, Kari Dugas, Mike Madden, Simon Dennis, Richard Redding, Jamie Jones, Denise Johnson, Keith Charlton, Susan McGonagle

Meeting called to order by Caisse at 6:30 PM.

Chairman Comments: *None*

Public Comment: *None*

Old Business:

1. **Update on complaint – Hudson Rd. – Rowe:** *Johnson noted lately there have been loud noises at the Rowe location. Rowe apologized stating the noise is from stump grinding adding he tries to keep the noise limited to the work day hours.*
2. **Safety Committee – No Update**
3. **Review and approve Building application (if completed) – Rowe-Hill Rd. - No Update**

New Business:

- **Candidates night:** *Lauriat suggested inviting State Representatives and Senators for a meet and greet at the town hall in October so residents will have a chance to meet the Candidates and ask questions before the Election. Caisse asked who will be organizing this. Lauriat stated he will be organizing the event and sending out invitations. The Board had no issues with Lauriat's proposal.*
- **Skladany Lane; 1 Acre Purchase Consideration:** *Schubert noted he is interested in purchasing from the town approximately 1 (one) acre of the "Skladany" property (7-36) which borders his property (7-38). Schubert noted he intends to keep the proposed property as it currently is, undeveloped forest. Caisse noted if this was to happen it would be sold at Fair Market Value. It also needs to be surveyed and we would not be able to move forward without going to town meeting. We will keep this on the Agenda to discuss a possible warrant article.*
- **Schubert Building Permit; Deck:** *Willard moved to approve the building permit application for a deck, Lennartz seconded, all were in favor, motion passed.*
- **Updated MAST Letter:** *The Board signed the modified MAST Grant Letter which added some additional content.*

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- **Barry Orchards:** Madden presented a letter from the Conservation Commission stating the run off coming from the Barry Orchard property has increasing levels of arsenic and lead. He also provided a DES report showing the updated test result for the water run off coming from the Orchard. Madden would like to enter these two documents into public record; (see attached). Madden added that according to RSA 147, the Select Board should be able to place a cease-and-desist order on the property until the hazard is controlled. Redding inquired about the noise ordinance in regards to the 4AM start time of cutting trees. Caisse stated due to the noise being a part of agriculture and forestry, timber cuts supersede the ordinance. Caisse stated all documents have been forwarded to our legal counsel and we cannot comment further but will follow up with legal tomorrow to get an update based on the new information. Jones noted he believes they are clearing in order to make building lots. Lennartz stated that at this time the owners are following the forestry regulations and no application has been submitted to the Planning Board. Feedback was also received from Nick Rowe, Simon Dennis, and Boo Martin who also spoke of their concerns about health hazards.
- **Marsh Hearing; October 8th, 2026:** Caisse noted he will attend the hearing on October 8th.
- **Sound System & Donation of sound system:** The 250th committee recently awarded the town \$2,000.00 towards a Boise sound system and the fire department donated \$200.00. The system is to be used for town events, the value of the system is over \$5,000.00. Caisse noted the system is donated to the town and that we should have a reservation form to keep track of the who is using the sound system. Caisse moved to accept the sound system as a donation to the town. Lennartz seconded, all were in favor, motioned passed. Caisse also moved to create a reservation form to check the equipment in and out with possibly a reservation fee. Lennartz seconded, all were in favor, motion passed.
- **September 8th Primary; Change SB Meeting date:** After discussion the board agreed to change the next Select Board meeting to Wednesday, September 9th, 2026 @ 6:00 PM.
- **Harvest Festival Application:** Lennartz moved to wave the fee for the Harvest Festival, Willard seconded, all were in favor, motion passed. The Board approved the application which includes September 26th for set up and September 27th for the event.
- **Approve Select Board Meeting Minutes August 25, 2026:** Willard moved to approve the meeting minutes from August 25, 2026 as amended. Lennartz seconded, all were in favor, motion passed.

Committee Updates: None

Other Business:

- **PA-7 Supplemental; North Road/Putnam Road:** Caisse noted we have a supplement PA-7 for additional cuttings on North Road/Putnam Road. The board signed the supplemental PA-7.
- **Moran Road Complaint:** Dugas stated that her neighbor currently has a poultry farm even though there is no agriculture allowed there. Jen the Animal Control Officer was sent out in the past to inspect the location. Dugas noted that the odor and the noise from the animals is unbearable; she also has concerns with possible water contamination. Caisse noted we can send the Animal Control Officer down again to take a look and we

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will ask our lawyers about the covenants. Lennartz asked Dugas to send us a list of her issues and a copy of the covenants.

- **C-Pacer Adoption Process:** *Caisse provided copies of the C-PACER adoption process, which will be discussed further at the next meeting.*
- **Non-Public Session :** *None*

Meeting Adjourned: *Motion to adjourn by Lennartz, seconded by Willard, Meeting adjourned at 8:02 PM*

Next Select Board Meeting: *The next select board meeting will be held on Wednesday, September 9, 2026 at the Town Hall main room at 6:00pm. Meeting minutes respectfully submitted by Leala Kullgren.*

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TO: Temple Select Board

FROM: Mike Madden, Member, Temple Conservation Commission Member

DATE: August 25, 2026

SUBJECT: Active Heavy Metal Runoff (Arsenic & Lead) from Commercial Logging Operations at Barry Orchard Impacting Public Infrastructure

I am submitting this formal notice and entering the accompanying New Hampshire Department of Environmental Services (NHDES file number EMD #4452) analytical findings into the official public record.

Recent NHDES-verified data confirms that ongoing land disturbance and logging operations at the Barry Orchard property are actively discharging stormwater runoff laden with toxic heavy metals directly into public rights-of-way and local streams. Water-induced soil runoff concentrations have been measured at **0.0888 mg/L for arsenic** (nearly 18 times higher than New Hampshire's strict ambient/drinking water safety standard of 0.005 mg/L) and **0.250 mg/L for lead**.

While past municipal discussions with town counsel focused on the limitations of local zoning codes and traditional stop-work orders, this situation has crossed an important legal line from an ordinary land-use dispute into an active public health nuisance and hazard impacting municipal property.

Under RSA 147—specifically RSA 147:3 (investigation of health dangers), RSA 147:4 (removal and notice of nuisances), and RSA 147:11 (orders for the discontinuance of a nuisance)—the Town and its executive/health authorities possess the explicit statutory duty and police power to protect public infrastructure, town roadways, and community health from unwholesome and hazardous substances. Crucially, public health and nuisance statutes operate independently of standard zoning ordinances, bypassing the technical limitations previously raised by counsel. Furthermore, under RSA 147:11, continuing a public nuisance after notice carries daily penalties, and active soil-disturbing work cannot safely or legally continue while it generates an unabated toxic discharge.

Now that the Town has official written notice from NHDES that hazardous runoff is pooling onto public spaces, inaction exposes the municipality to significant liability.

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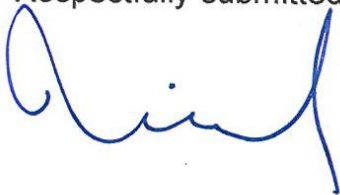
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Therefore, acting in the interest of public safety and environmental protection, I formally request that the Select Board take the following immediate actions:

1. **Acknowledge and Record Public Notice:** Formally accept and record this documentation of verified heavy metal contamination impacting town rights-of-way into the meeting minutes.
2. **Engage Executive Health Powers:** Coordinate immediately with the Town Health Officer under RSA 147:3 and 147:11 to evaluate the active public health nuisance occurring on municipal property and issue a formal order for the discontinuance of the source activity until the heavy metal migration is fully contained.
3. **Petition State Intervention:** Formally request that NHDES expedite its administrative enforcement orders to halt the specific land-disturbing activities causing this toxic release.

The Town cannot permit hazardous waste accumulation to persist on its roadways and public spaces. I respectfully request that the Board consult with counsel specifically regarding its public health and nuisance abatement powers under RSA Chapter 147 to address this imminent threat.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Michael Madden', with a stylized flourish at the end.

Michael Madden
Temple NH Conservation Commission Member

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The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



NHDES FIELD INSPECTION REPORT
Watershed Management Bureau, Water Division

- **FILE NUMBER:** EMD #4452
- **INSPECTION DATE:** July 9th and 22nd, 2026
- **OWNER NAME:** Leslie/Brian Williams
- **SITE LOCATION:** North Rd, Temple NH, Tax Map #9, Lot #12 and adjacent lots
- **NHDES INSPECTION PERSONNEL:** Robert Livingston
- **OTHER PARTIES IN ATTENDANCE:**
- **INSPECTION TYPE:** Water Quality Monitoring
- **IMPACTED RESOURCE:** ☐ Lake/Pond ☒ River/Stream
- **ATTACHMENTS:** ☒ Color Photographs ☒ Aerial Photographs ☒ Site Sketch ☒ Other
- **WEATHER CONDITIONS:** Sunny/cloudy and passing thunderstorm, storm duration 15 minutes of heavy rain fall.

PURPOSE: The purpose of the site inspection was in response to a complaint of a timber harvest landing area along North Rd contributing siltation and turbidity to Mill Brook including the runoff being a possible source of arsenic and lead with the potential source being a historic apple orchard using an insecticide containing arsenic and lead.

BACKGROUND: Initial complaint came in reporting logging activities created a sediment discharge which entered Mill Brook. A secondary complaint came in with private water samples indicating a possible source of arsenic and lead in the roadside runoff that leads to Mill Brook. On 7/22/26 the first available runoff event occurred, and the roadside runoff was sampled for turbidity, arsenic and lead.

NOTES / OBSERVATIONS:

1. On 7/9/2026 NHDES sampled 7 sites in dry weather conditions for arsenic, lead and turbidity, all but one site was at normal background levels for rivers and streams.
2. On 7/22/2026 NHDES sampled 13 sites, 11 sites dry weather conditions and 2 sites in a wet weather during a short duration thunderstorm.
3. During the short duration rainstorm (15 Minutes) moderate runoff came down North Rd roadside ditch and discharged into Mill Brook. The runoff emanated from the logging landing area on North Rd and North Rd itself.
4. NHDES sampled the direct roadside runoff at the top of bank of Mill brook and in Mill brook where the mixing zone of the roadside runoff and stream converged. Both samples exceeded water quality samples for Arsenic, Lead and Turbidity.
 - a. Site NR1B Arsenic=0.0888 mg/L (88.8ppb). Lead=0.2501 mg/L (250.1ppb). Turbidity=Exceeded metering.
 - b. Site NR1C Arsenic=0.0808 mg/L (80.8ppb). Lead=0.2149 mg/L (214.9ppb). Turbidity=Exceeded metering.

www.des.nh.gov

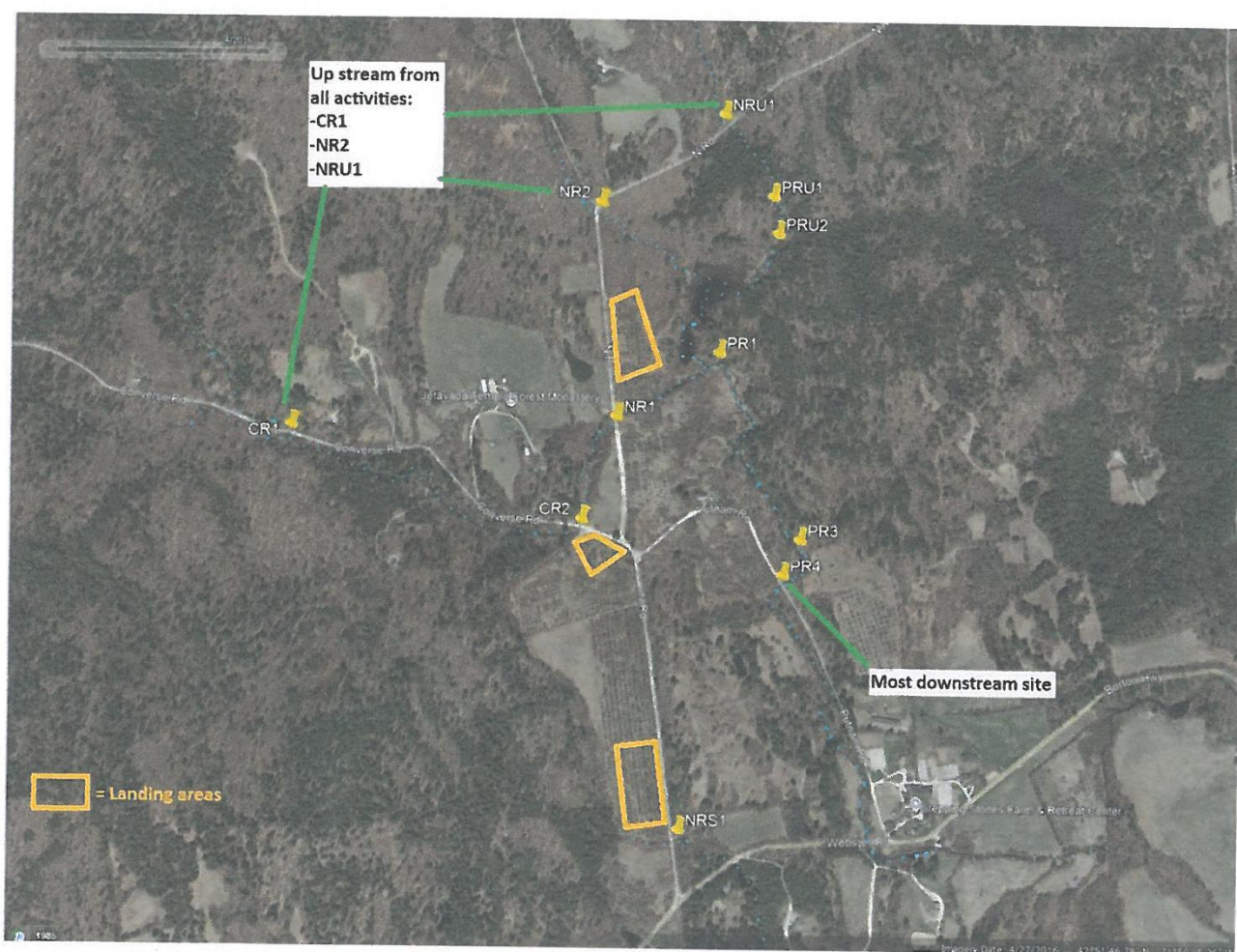
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

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5. Photo documentation was taken of the storm runoff along North Rd and the turbidity plume entering the brook.
6. Photo Documentation of all samples site locations where taken.
7. NHDES observed North Rd being covered with landing area sediment and mud from truck traffic leaving the sites, Photo documentation was taken.

AERIAL PHOTOS/SAMPLE LOCATION MAPS:



Landing Areas and sample sites

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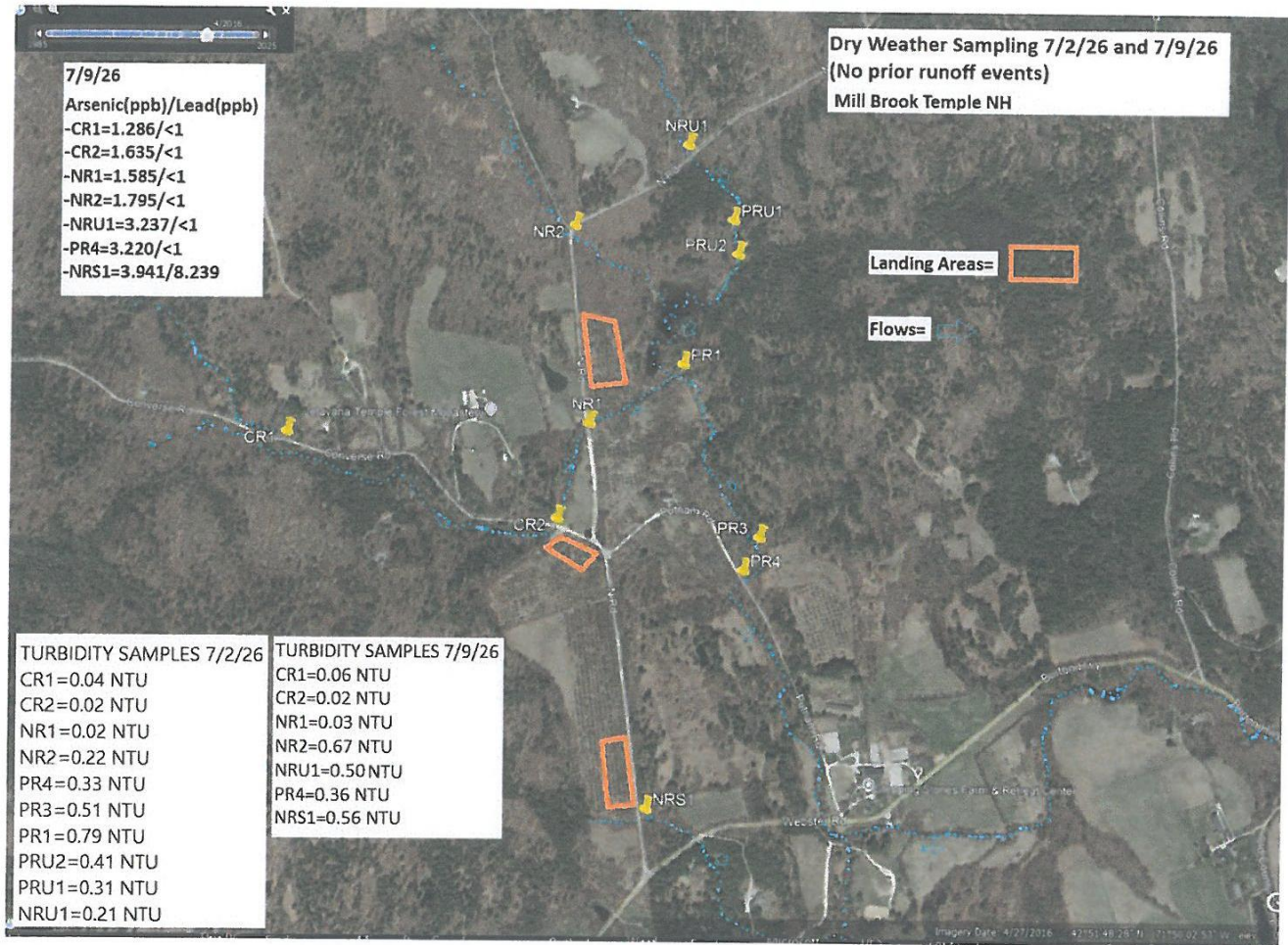
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Dry Weather Sample Sites and resample results

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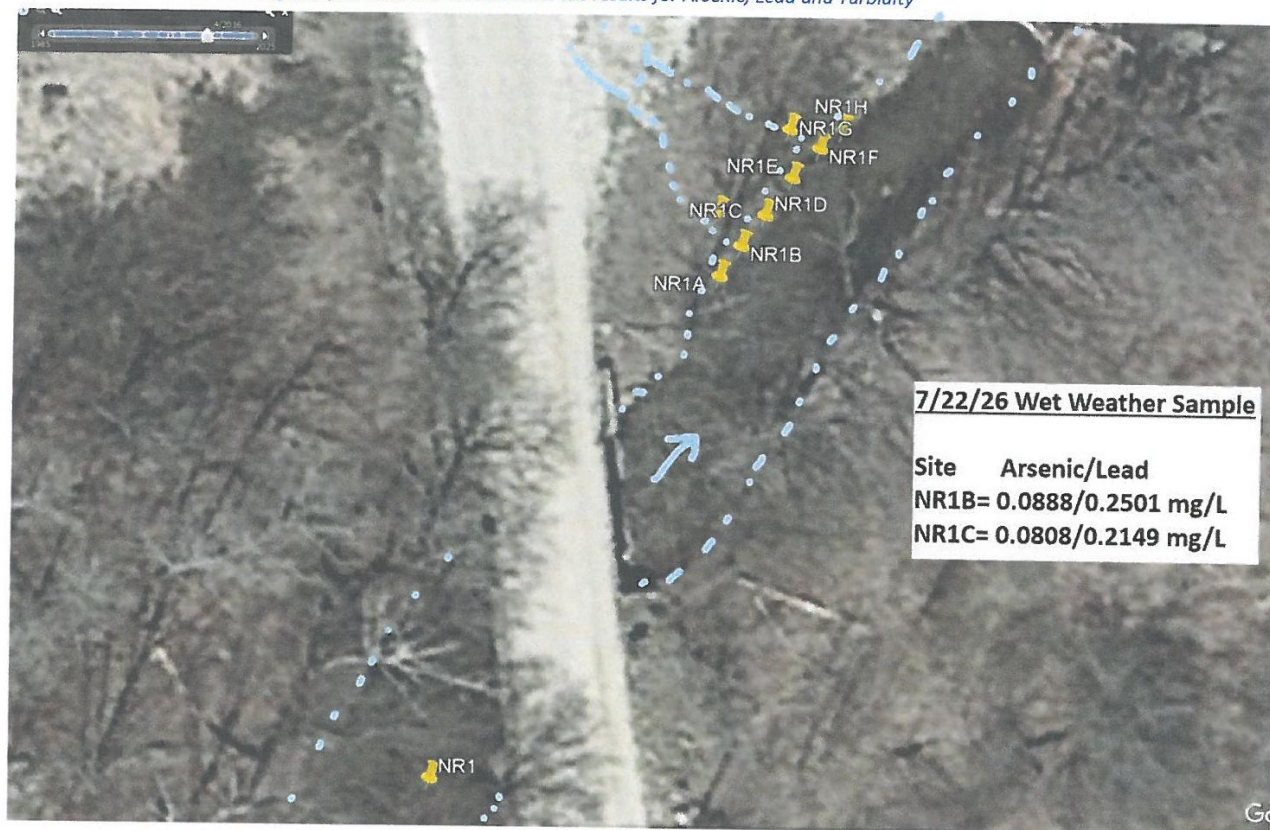
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North Road Mill Brook Crossing Samples sites and wet weather lab results for Arsenic, Lead and Turbidity



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PHOTOGRAPHS:

Photos: (7/22/26) Taken in series starting at the Mill Brook bridge looking and moving up North Rd towards the northernmost landing area during a runoff storm event.



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Photos: (7/22/26) Taken of the Converse Rd landing area.



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Lab Results: Sites sampled 7/22/26

Department of
**HEALTH &
HUMAN SERVICES**Division of
Public HealthNew Hampshire Public Health Laboratories
Department of Health and Human Services
29 Hazen Dr., Concord NH 03301
Phone (603) 271-3445

Workorder: COMPLAIN (C605315)

Project ID: 05-0022560 - NON-POINT SOURCE

Analytical Results

METALS (EPA 200.8)		Preparation Method: (EPA 200.2)					
Arsenic	0.0018	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 10:57	.005
Lead	ND	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 10:57	.015
Lab ID: C605315008		Date Collected: 07/22/2026 10:55		Matrix: WATER			
Sample ID: NR1A		Date Received: 07/22/2026 14:59		Description:			
Parameter	Results	Units	LOQ	DF	Prepared	Analyzed	Limit Qual
METALS (EPA 200.8)		Preparation Method: (EPA 200.2)					
Arsenic	0.0019	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:01	.005
Lead	ND	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:01	.015
Lab ID: C605315009		Date Collected: 07/22/2026 10:58		Matrix: WATER			
Sample ID: NR1B		Date Received: 07/22/2026 14:59		Description:			
Parameter	Results	Units	LOQ	DF	Prepared	Analyzed	Limit Qual
METALS (EPA 200.8)		Preparation Method: (EPA 200.2)					
Arsenic	0.0888	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:04	.005
Lead	0.2501	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:04	.015
Lab ID: C605315010		Date Collected: 07/22/2026 10:59		Matrix: WATER			
Sample ID: NR1C		Date Received: 07/22/2026 14:59		Description:			
Parameter	Results	Units	LOQ	DF	Prepared	Analyzed	Limit Qual
METALS (EPA 200.8)		Preparation Method: (EPA 200.2)					
Arsenic	0.0808	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:08	.005
Lead	0.2149	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:08	.015
Lab ID: C605315011		Date Collected: 07/22/2026 12:29		Matrix: WATER			
Sample ID: PR4		Date Received: 07/22/2026 14:59		Description:			
Parameter	Results	Units	LOQ	DF	Prepared	Analyzed	Limit Qual
METALS (EPA 200.8)		Preparation Method: (EPA 200.2)					
Arsenic	0.0030	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:29	.005
Lead	ND	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:29	.015
Lab ID: C605315012		Date Collected: 07/22/2026 12:40		Matrix: WATER			
Sample ID: NRP1		Date Received: 07/22/2026 14:59		Description:			
Parameter	Results	Units	LOQ	DF	Prepared	Analyzed	Limit Qual
METALS (EPA 200.8)		Preparation Method: (EPA 200.2)					
Arsenic	0.0140	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:32	.005
Lead	0.0055	mg/L	0.0010	1	07/23/2026 10:10	07/27/2026 11:32	.015
Lab ID: C605315013		Date Collected: 07/22/2026 12:54		Matrix: WATER			
Sample ID: NRS1		Date Received: 07/22/2026 14:59		Description:			
Parameter	Results	Units	LOQ	DF	Prepared	Analyzed	Limit Qual

Tuesday, July 28, 2026 9:14:00 AM
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FINAL REPORT OF LABORATORY ANALYSIS

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consent of the New Hampshire Public Health Laboratories.<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/water-testing>