

**TOWN OF
TEMPLE, NEW HAMPSHIRE
FINAL MINUTES OF THE PUBLIC MEETING
BOARD OF SELECTMEN
Meeting held on the 28th of June 2011**

Board members present: J. Kieley, T. Petro, M. Darnell

Call to Order by J. Kieley at 7:00 p.m.

1. Subject: Mark Salisbury, Don Kraemer and Will Wildes, Fire Engineers met with the Board to discuss the need for an antenna for the Fire Dept base station radio and the need to license the base station radio. The Engineers explained that at the current time it does not appear as though there will be enough money in the budget to cover the approximate \$1,000.00 cost for these items. Salisbury stated that if there is enough money in the 2011 budget at November the Fire Dept will take care of these items. If there is not enough money the Fire Dept will need to budget these items in 2012.
2. Subject: Kieley asked the Fire Engineers if they knew of any upcoming purchases that might qualify for grants. The Board asked the Fire Engineers to compile a list for review to offset the cost overage on the new brush truck.
3. Subject: The Board reviewed a letter received from the State of NH-DOT regarding a driveway permit application for Bruce Kullgren, Sr. for property located on RT 101. The Board reviewed a draft of a letter composed by Kieley regarding the driveway permit application. Petro questioned the request for two driveway entrances and wondered if there would be a need for the Planning Board to approve a change for the plat. The Administrative Assistant will make the suggested changes to the letter. The Board approved the Administrative Assistant signing the letter for the Board. Courtesy copies will be mailed to Bruce Kullgren, Sr and Ben Fisk.
4. Subject: Ken Sullivan met with the Board to discuss his 2010 abatement application for property located in Stonegate Farm. Sullivan asked the Board to postpone a decision on this application until July 20, 2011. The Board explained that a decision had to be made by 7/1/11 pursuant to the State of NH RSAs. Sullivan informed the Board that he is in the process of getting an appraisal since the sale of Randy Martin's house in June 2011 and again requested that the Board delay a decision on his application. Sullivan is questioning the "locale adjustment" for the Stonegate Farm subdivision. The Board requested that the Administrative Assistant contact the State for an opinion on delaying the decision on the application, if the State allows a delay the Board will wait for one month to make a decision, if the State will not allow a delay the Board's vote tonight will remain in effect. Sullivan then stated that he cannot find the 7/27/10 minutes on the website. The Administrative Assistant will provide Sullivan with a copy of the 7/27/10 minutes.

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5. Subject: Tim Fiske, Road Agent met with the Board. Fiske informed the Board that he has accepted a deposit of \$500.00 for the 2002 F550. The purchaser needs to pay \$14,000.00 by 6/30/11.
Fiske informed the Board that John and Susan Pierce have spoken to him about putting their electrical lines underground. Fiske would like to have the Highway Dept install the conduit that will be needed under Mansfield Rd and bill the Pierce's for the work. Fiske explained that he would like to ensure that the conduit is installed correctly and installed before Mansfield Rd is re-paved. The current schedule is to grind Mansfield Rd starting 7/11/11 and then re-pave. Darnell asked if the town would be assuming any liability by allowing the Highway Dept to install the required conduit. Fiske stated that he would put the Mansfield Rd project on hold until the conduit was installed if the Highway Dept did not install. Move by Kieley to allow the Temple Highway Dept to install conduit across Mansfield Rd to the Pierce residence and to bill the Pierce's for the associated costs, second by Petro and voted in the unanimous affirmative. Fiske will obtain a letter from the Pierces outlining this information.
6. Subject: Kieley informed the meeting that he had met with Town Attorney Dwight Sowerby the previous week, at the Board's request, after the 6/14/11 non-public session. At this meeting Sowerby brought up the issue about the Town of Temple plowing private driveways. Sowerby discussed the personal liability of the members of the Board of Selectmen. The three members of the Board met with Sowerby on 6/28/11 to further discuss the issue of personal liability. Kieley informed the meeting that, according to Sowerby, private driveway plowing by the town is "unconstitutional" and should the town continue to plow private driveways and should something happen the town as an entity is not liable and is not insured, however, the Board of Selectmen as individuals and collectively are liable. The Selectmen's indemnification is null and void in the issue of private driveway plowing. Kieley further stated that Sowerby had informed them that to change this, the Board would need to sue the State of NH to get "Clapp vs Jaffrey" overturned. Sowerby estimated the minimum cost for this type of action would be \$50,000.00 and the Board would receive a letter from the Town Attorneys informing the town that the chance of success for such a suit would be negligible. Sowerby also informed the Board that it would be legally inappropriate for the town to knowingly spend public money on private driveway plowing against the NH Constitution. The Board discussed holding a public forum to explain this current information and discuss the issues. Kieley will contact Sowerby and request that he research the Town of Clarksville. Kieley will also draft a letter to town residents for the Board to review. The Board discussed various dates for a forum.

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7. Subject: Kieley informed the Board that the air conditioning will be installed in mid July.
8. Subject: The Board signed a special event application for the Recreation Dept Music Festival scheduled for August 21, 2011.
9. Subject: The Board reviewed and signed a letter to the Trustees of the Trusts Funds for reimbursement from the Small Highway Dump Truck CRF for costs associated with the new F550.
10. Subject: The Board discussed the recommendations from Avitar Associates on the 2010 abatement applications. Move by Kieley to accept the Avitar recommendation on the Wish abatement application to reduce the assessment, second by Darnell and voted in the unanimous affirmative. Move by Kieley to accept the Avitar recommendation on the Mindeman abatement application to reduce the assessment for 2010 and increase due to work completed as of 4/1/11, second by Darnell and voted in the unanimous affirmative. Move by Kieley to accept the Avitar recommendation to deny the Ken Sullivan abatement application, second by Petro and voted Kieley and Petro in favor, Darnell nay.
11. Subject: Move by Kieley to approve the 5/24/11 minutes as written, second by Darnell and voted in the unanimous affirmative. Move by Kieley to approve the 6/14/11 public minutes as written, second by Darnell and voted in the unanimous affirmative. Move by Kieley to approve the 6/14/11 non-public minutes as written, second by Darnell and voted in the unanimous affirmative.
12. Subject: Reviewed a special event permit application and a raffle permit for the Temple Congregational Church Missions Committee for a fundraiser scheduled for 7/9/11. Move by Kieley to approve the special event permit and waive fees for this event, second by Darnell and voted in the unanimous affirmative. The Board signed the special event permit application and the raffle permit.
13. Subject: The Board approved changes to the Nationwide Retirement Solutions Deferred Compensation plan. Kieley signed the paperwork as Chairman.
14. Subject: Move by Petro to appoint Charlene Eddy to the Capital Improvements Plan Committee for a three year term, second by Kieley and voted in the unanimous affirmative.

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15. Subject: The Board reviewed and signed the Dog Forfeiture list for the Town Clerk.
16. Subject: The Board reviewed the Auditors suggestions from the 2010 audit. The Board requested that the Administrative Assistant look into the cost of obtaining cash registers for the Town Clerk and Tax Collector per the auditor's suggestion.
17. Subject: Petro informed the Board that he had spoken to Lisa Northrup regarding the cleaning of the town buildings. Northrup is requesting \$18.00/hour to return. Kieley noted that the quotes from other cleaning services have been substantially higher. Move by Kieley to re-hire Lisa Northrup at \$18.00/hr at hours previously determined, second by Darnell and voted in the unanimous affirmative.
18. Subject: Darnell informed the Board the he had gotten quotes to renew the antivirus software. The cost is \$282.00 for one year and \$567.00 for three years. The cost for one year is in the budget. The suggestion was made that the antivirus software be renewed for one year and the cost for a multiyear renewal be budgeted in 2012.
19. Subject: Reviewed and signed vouchers.
20. Subject: The Administrative Assistant informed the Board that the budget worksheet has been updated with the disbursements from the current week, which gives the Board the 6 month year to date numbers. The Board will review the updated budget numbers and discuss at the 7/12/11 meeting.
21. Subject: Petro suggested that the Board ask Senator Bragdon and the four State Representatives to attend a Board meeting to discuss what might possibly be done at the State level to allow Temple to continue the practice of plowing private driveways. Kieley will compose a letter to these people for the Board to review.
22. Subject: Move by Kieley to adjourn, second by Darnell. Meeting adjourned at 8:42 pm.