

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

Tuesday April 27, 2021

Via Zoom Call

6:30 PM

Select Board members on the call: George Willard, Bill Ezell, and Ken Caisse

Other Attendees: Connie Kieley, Bill McDonnell, John Kieley, Ivy Bibler, Honey Hastings, Mary Beth Ayvazian, Christine Robidoux & Gail Cromwell

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

Chairman Ken Caisse Remarks:

- *Caisse reminded participants that the meeting was being held electronically pursuant to Executive Order 2020-04, Section 8, Emergency Order #12, Section 3.*

Public Comment: John Kieley gave an update on the Miller State park Eversource utility project. Kieley reported it was going well, they are on schedule, and the noise levels have not been too bad.

Old Business:

- **Marsh Litigation Update:** Ezell reported that the Select Board met with town council and noted that they did receive a settlement offer which they felt was not acceptable and is now back with them. Ezell reminded everyone that they have to go through this process and make an effort or the judge can send them back to mediation. John Kieley asked at what point will they notify the public about concerns with the drinking water and asked if the board was committed to involve the public in an active role while the settlement is being worked on? Ezell said they signed a mediation agreement and cannot talk too much about the case until the negotiations are done. Ezell assured everyone the board is just as concerned about the drinking water and added that it is their number one priority. Ivy Bibler voiced her concerns about the water quality and notifying the public as well. Ezell added that environmental services has no interest in looking into this and he noted they can put a stipulation in the settlement. Ezell also noted that the state does not regulate individual wells.
- **Update on COVID19 initiatives:** Bill McDonnell reported that vaccinations are going well and hospital cases are dropping. McDonnell added that FEMA has some money available for "safe opening" which includes masks, PPE, and cleaning and disinfecting. McDonnell also mentioned that the CDC has new guidance regarding mask use with vaccinated people and outdoor activities.

New Business:

- **Broadband Public Benefit Hearing minutes review:** Ezell commented that the minutes from the April 22nd hearing were very thorough and he had no changes. Therefore, Ezell motioned to accept the minutes as written. Roll call vote was unanimous in favor.

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- **Broadband Bond Application Review** – Robidoux reported they were close to completion and only had a couple of questions left. Once completed, the application will need to be signed by the select board chair and it will be held until after town meeting added Robidoux. Ezell moved to approve the NHMBB DRAFT application subject to an affirmative vote at Town Meeting on Warrant Article #2. A motion to approve will allow the CAC Broadband Committee to continue pursuing Bond funding under RSA 33:3-g Broadband infrastructure Bonds. Caisse seconded, roll call vote was unanimous in favor. Robidoux also reported that the next broadband hearing will be held on May 19th at 6:30 and should be a quick presentation focusing on the bond.
- **Update – SB2 warrant article wording & hearing date:** Caisse noted that the wording of the article will need to be amended to the correct wording and voted on (majority vote), at town meeting prior to voting on the article. Also, May 25th at 6:00 via zoom was confirmed as the meeting date, time, and platform. A notice will be put on the town website and the required posting places.
- **Discuss Memorial Day Plans:** Caisse asked our EMD Bill McDonnell if he felt we could safely hold our annual event this year with masks and social distancing. McDonnell commented that assuming there are no updates to the regulations, he has no issues with outdoor activities. Caisse noted that the town hall was used in the past to eat sandwiches but they could probably do that outside. Willard noted last year he rounded up some Veteran's to march and he would appreciate some help with that this year. Caisse said he would get in touch with the Fire Department, the town band and Paul Quinn. June 6th was noted as the day of the event.
- **Discuss location options to hold Town Meeting:** Caisse noted we need a plan and mentioned location options including the memorial ball field, the town common, the school, and the school ball field. Power for a PA system, the weather, tents, chairs, tables, headcounts and bathrooms were also discussed. Ultimately it was decided that the town common would be the preferable location. The board agreed to discuss progress at the next select board meeting on May 11th.
- **Discuss Town office & buildings re-opening plans:** The select board assistant spoke about the letter circulated which notifies the board that the municipal office workers were ready to re-open the office on May 4th with some restrictions such as mask use, social distancing, purchasing an air purifier for the lobby, and letting only one person in the lobby at a time. Bill McDonnell was ok with this as well. The board approved and Caisse motioned to authorize spending up to \$200 for the purchase of the air purifier. Willard seconded, roll call vote was unanimous in favor. John Kieley reminded to check with FEMA for any possible reimbursement opportunities.

Opening the town hall was also discussed and McDonnell stated that his only hang up with re-opening, is that the current safer at home rules are still in effect until May 7th and he recommended we wait and see if this order is extended or not. John Kieley commented that there are still many new cases daily and he wondered why we would consider exposing residents and putting them at risk. McDonnell added that there is always going to be some risks especially for those that choose to not get

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vaccinated. He added that people need to continue to follow guidelines as we come out of this and no one is forcing people to go out. Ultimately it was decided to revisit this at the next select board meeting on May 11th.

- **Appointments Policy:** Hastings continued the discussion from the last select board meeting and talked about her 18 year experience with board appointments. Cromwell added that they have been in touch with most of the other committees and they have revised the policy and obtained support from other board members. (See attached revised policy). Ayvazian asked the select board if not this process, what criteria would they use to select candidates? Cassie noted he just received the revised draft policy and he was concerned about a couple of things and would like time to review the document fully before commenting further. Ezell commented he wonders why the state has given the select board authority. Cromwell said they had to put somebody and hopes the board will support the policy. Willard added that there has always been plenty of volunteers to serve on the various committees and noted he looked for any previous policy and found none. He feels this policy is an attempt to diminish the Select board's authority to appoint new members to various committees. Ayvazian pressed on asking what other criteria could there possibly be and felt the committees should have a say in appointments. The board clarified that it is not going to be the board's practice to unilaterally appoint committee members without input from the committees and they will consider the committee's recommendations. Willard moved to table this for the time being. Caisse seconded the motion, roll call vote was unanimous in favor. Caisse asked Hastings to reach out to every committee, get their comments and approval on the policy, and follow up at the next select board meeting at which time the select board will consider creating the new policy.
- **Intent to Cut – Dutton Lane (Peavy/Oxman):**– The board reviewed and approved.
- **Occupancy Permit – Leblanc (45 Kendall Rd):** – The board reviewed and approved.
- **Approve Meeting Minutes April 13, 2021:** – After two minor corrections, Willard motioned to accept the minutes as amended. Ezell seconded. Roll call vote Caisse yes, Ezell yes, Willard yes.

Other Business:

- **Con Com Committee Alternate Appointment – Jeff Jensen:** After a brief discussion and recommendation from the Con Com committee, Willard motioned to appoint Jeff Jensen as an alternate member of the Conservation Commission Committee. Ezell seconded, roll call vote was unanimous in favor.
- **Lukas Community Grant:** – John Kieley mentioned to the board that the Lukas Community is applying for a new grant through the US Department of Agriculture that requires a public hearing be held as part of a Select Board Meeting and that timing is important. Kieley asked if this could be added to the May 11th Select Board Meeting. Kieley also noted that there is a form confirming that the hearing will be held on the May 11th that needs to be authorized for signature tonight with the signed copy to be sent with the package in the next few days. The board agreed to include this topic on the May 11

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agenda and authorized the select board assistant to sign the document and scan back to Kieley and the executive director of the Lucas Community.

Committee updates:

None

Meeting Adjourned: 8:32 PM. Motion by Caisse, second by Ezell, roll call vote Ezell yes, Willard yes, Caisse yes.

Next Select Board Meeting: Tuesday May 11, 2021 at 6:30 PM. Remote numbers will be provided in the event we are still handling meetings remotely. Meeting minutes respectfully submitted by Carole Singelais

See attachment on next page

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Attachment

Policy on Appointed Boards and Committees

The procedures used to make appointments to the Town's boards and committees are critical to maintaining Temple as a vibrant community. There are eleven active Town committees and boards that require a total of approximately 85 volunteer appointees.

An open, transparent, and inclusive process is essential as is the appointment of qualified individuals with a strong interest in each board's and committee's subject matter. Candidates must also be willing and able to commit the time necessary to serve effectively.

Traditionally in Temple, committees and boards have had the responsibility for assessing their membership needs, recruiting candidates, and vetting candidates given the determined needs. Recommendations have then gone to the Select Board for approval. This process has worked well because the boards and committees understand the needs and demands of membership in their specific committee. The existing process for the appointment of these volunteers (1) frees the Select Board from the enormous responsibility of keeping these boards and committees properly staffed and functioning and (2) conveys the autonomy and respect for the committees and boards that have been created by our legislative body to assist the Select Board.

Process:

- a. Each committee and board shall review the member terms ending that year, preferably before Town Meeting, and determine which existing members are willing and able to continue to serve. In the event that openings occur during the year (in elected as well as appointed committees), the same process shall be followed.
- b. If there are likely to be open positions, the committee or board shall identify what experience or skills in candidates would be helpful for the committee. Committees and boards that are not defined by RSAs should consider the need to retain and pass on institutional history while looking to new members as a source of new ideas.
- c. The Select Board shall publicize the openings for volunteers on all committees and boards.
- d. Interested citizens should attend a committee meeting or speak with the chair of the committee or board so they can understand the role of the committee/board and the commitment involved.

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- e. If an individual wishes to be considered for an appointment or re-appointment they shall submit a statement of interest to the committee or board, saying why they would like to be appointed or re-appointed.
- f. The board or committee shall discuss the candidates in a public meeting and vote on which candidates to recommend to the Select Board.
- g. The board or committee shall send its nominations to the Select Board with the statements of interest for the candidates.
- h. All discussions of nominations and appointments shall be at public meetings conducted in accordance with RSA 91-A, whose agenda lists the topic of nominations or appointments of members to a specific committee or board.

In making nominations and appointments, the following factors shall be considered:

- Qualifications to serve
- Time availability and interest in serving
- Impartiality
- Commitment to attend any appropriate training
- Commitment to comply with state laws

1. If the Select Board receives any statements of interest, it shall send them to the relevant committee or board chair for their consideration.
2. The Select Board shall generally support the work of each committee and board. In most cases, this shall mean approving the committee or board nominations.
3. If any nomination is rejected, the Select Board shall state the reason at a public meeting conducted in accordance with RSA 91-A, whose agenda lists the topic of appointments of members to a specific committee or board. The minutes shall include the reasons the nomination was rejected.
4. Particular attention must be paid to the potential conflict of interest when the Select Board makes appointments to the Zoning Board of Adjustment. RSA 674:33, I.(a)(1) states that the ZBA has the power to "Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16;". This includes decisions made by the Select Board. Any appearance of a conflict of interest when appointing a ZBA member could jeopardize the decision of case and cause the town to be vulnerable to legal challenges. The Select Board shall notify the nominees and the board or committee of its vote, in writing.

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5. The RSAs concerning several boards or committees state specifics about vacancy appointments:
 - a. Library Trustees—RSA 202-A:10, RSA 669:75.
 - b. Cemetery Trustees—RSA 289:6.
 - c. Other appointments—RSA 669:75.
 - d. Note: The Planning Board and the Supervisors of the Checklist fill any vacancies in their membership. See RSA 673:2, II(b) for Planning Board and RSA 669:64 for Supervisors of the Checklist.

The following residents support this policy:

Mary Beth Ayvazian: Zoning Board of Adjustment

Gail Cromwell: Village Green Committee, CIP Committee

Bev Edwards: Renewable Energy Task Force

Sherry Fiske: Past Select Board member

Scott Hecker: Conservation Commission, Temple Land Use Committee

John Kieley: Zoning Board of Adjustment

Camilla Lockwood: Library Trustee

Julie McAdoo, with vote from the 250 Anniversary Fund Advisory Committee members

Christine Robidoux: Temple Community Advisory Committee, Temple Land Use Committee

Gary Scholl: Budget Advisory Committee, Capital Improvement Committee

Rob Wills: Renewable Energy Task Force, Holiday Lighting Committee

Vivian Wills: Recreation Commission