

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

Tuesday December 13, 2022

Town Hall

6:30 PM

Select Board members present: George Willard, Bill Ezell, and Ken Caisse

Other Attendees: Connie Kieley, Ben & Emily Fisk, John Kieley, Roy Anderson

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

Chairman Comment: *Ezell noted that we had 2 people from town pass away this weekend. Honey Hastings and Dick Benotti. He added that Dick Benotti had been a fixture around town forever and John Kieley would like to read a prepared statement about Dick. (See attachment #1). Kieley also recognized Constance Rinaldo and Honey Hastings who recently passed and asked that we honor these 3 people with a moment of silence. Ezell added that Benotti was a treasured member of the Lions club for many years and he will be missed.*

Ezell also noted that he wanted to address another issue. During the last few meetings there has been some acrimonious statements made that were not appreciated. See attachment #2 for Ezell's complete statement.

Public Comment:

** John Kieley noted people should read the Marsh court decision online and they will see the error to what was just described by Ezell.*

**Kieley also noted there will be a barn easement application coming up in this meeting and he supports it but wanted to note that the town does not seem to have the ability to monitor existing barn easements which is resulting in a monetary loss to taxpayers. He encourages the approval of this easement but feels the board should look at the current easements to make sure they are updated and valid. Ezell noted easement applications must be renewed or they lose the tax status. Kieley noted there is an application renewal process after 10 years.*

** Kieley also noted that in the Marsh case, there was speculation that the property owners would clean up their act. Kieley noted there are now large cranes, lots of tractor trailer loads, bulldozers, etc. being added at the property. Kieley mentioned the increased risk to the aquifer and pollution to Temple and some surrounding towns. Kieley noted if this site is ever abandoned, the clean-up efforts and cost to the town would be quite large. Ezell agreed and added that legal has been informed that more equipment is coming in and they will inform them again of even more items coming in. However, until the court decision, there is nothing we can do about this stated Ezell. Caisse asked John Kieley, since they were granted limited intervention in this case, have they notified their attorney of the increase in junk. John's response to Caisse was "what they told their lawyer is none of his business". Ezell added it is important that we all stay on the same page with this.*

Old Business:

- 1. Code Enforcement Officer Update – No Update**
- 2. Parking/Zoning/Fee structure follow up – No update**
- 3. Background checks & policy update – No update**

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

4. **Flag pole painting update** – *Caisse commented he received 2 quotes. \$9161 for an exterior fiberglass white pole w/o installation, interior is \$11,463. The second quote is \$9800 interior and \$8000 exterior. Caisse added that we have \$5900 for the pole which falls short. Caisse said we should work with the BAC for a 2023 spring installation. Caisse will work on getting complete estimates including installation costs.*
5. **Monument cleaning update** – *No update*
6. **New Flag policy update** – *No update*
7. **ARPA funds – Town Common Well, Ballfield, fencing, playground estimates etc.** – *No update*
8. **Review Quotes for Town Common Well** – *Moved to December 27th. Caswell may have another quote.*
9. **Update on quotes for Town Hall Repairs** – *Connie Kieley noted she is working on getting quotes before the budget hearing. May be only a day's work and may not be as bad as she originally thought.*
10. **Update on Alarm System vendors** – *No update*
11. **Discuss policy on Merit Increases** – *No Update*

New Business:

- **Anderson Refinance Issue** – *Ezell summarized that the Anderson's want to refinance their house however there was an agreement from the 1980's with the former property owners, who had an illegal ADU on the property. The agreement was that they would shut down the unit in the house since only one attached ADU is allowed on that property, but it looks like they did not do that. Ezell added that the appraiser has reviewed our zoning laws and is not allowing the financing until this is resolved. Ezell informed Mr. Anderson that they will need to go before the ZBA and ask for a special exception or a variance. Mr. Anderson will proceed with the applications.*
- **Review & Approve Timber cut Yield & Levy – North Pack Lodge:** *Caisse noted the amount due is \$392.27 and the board signed the forms.*
- **Review & Approve Notice of Intent to cut – Jenks – West Rd.:** *The board reviewed and signed the notice.*
- **Review Barn preservation application – McDonald/Redding – Webster Highway:** *Caisse noted we need to schedule a hearing as required. Everything can be discussed at that time. If approved the board will decide the assessment credit percentage. Willard noted this barn was built in the 40's or 50's and he did not think that was very historical. Caisse moved to schedule a hearing for the McDonald/Redding barn preservation application. Ezell seconded the motion, all were in favor, motion passed.*
- **Review quote for town report (Lowry):** *Caisse noted that the 2022 quote for Rose Lowry to complete the town report is \$3100 which is up \$100 from 2021 due to a printing cost increase. Willard moved to accept the bid from Rose Lowry for the completion of the 2022 town report at a price of \$3100. Caisse seconded the motion, all were in favor, motion passed.*

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

- **Dutchmaid Invoice:** Caisse noted he has a problem with Dutchmaid cleaning services quality of service and he added they are not sufficiently keeping the supplies stocked at the town hall and he questions their monthly invoices which do not include much information. The board discussed obtaining some quotes from other companies and asking Dutchmaids to modify their invoice to include service dates and to find out exactly what services are included in their weekly cleaning. Connie Kieley will come up with some items for the town hall as well.
- **Town Office Lateral drawers – Fix or replace:** Ezell noted we received a quote from Richard Pereault to fix the town office lateral filing cabinets. If he did all 4, the quote is \$1320. Ezell believes we could get new metal cabinets for about \$300 each. Willard commented that Mr. Pereault does mill work and his work is top notch. By fixing the existing cabinets, everything would match in the office which is important to the staff. Caisse feels the cabinets could still fall apart and metal ones would not. It was noted that only 2 of the cabinets need to be fixed now. The other two can wait. Caisse noted he would like to speak to Pereault and find out the scope of work and the materials to be used.
- **Review & Approve Trustees transfer letter:** The board reviewed and signed the letter to the trustees to consider the reimbursement of \$6211.09 to the town general fund for expenses paid to Sanford Engineering for highway dept relocation site work. (Article #9).
- **Review & Approve 2 LUCT & Warrants – Fisk:** Ezell noted there was an error in the past with land coming out of current use on Ben's property. Ezell spoke with Avitar who explained and assured him their recommendations are correct. The result is 2 LUCT & Warrant's (\$274.00 and \$0.00), which the board reviewed and approved.
- **Approve Select Board Meeting Minutes November 22, 2022:** Caisse moved to approve the minutes from November 22nd as amended. Ezell seconded the motion, all were in favor, motion passed.

Other Business: -

- **Dick Benotti:** Willard mentioned that he grew up with Dick Benotti and knew him for many years and he will be missed. Sadly, Willard noted he is now the 4th oldest living resident in Temple.
- **George Willard Statement:** Willard noted that he thought Ezell's statement (see attachment #2), at the beginning of the meeting was very good and he gave his full approval. Caisse seconded that comment.
- **Fire Dept Compressor:** Caisse noted we have received the grant money for the new compressor however it only covered 90% of the cost. Caisse asked the board to approve using money from the ARPA funds to pay the remaining 10%. Ezell moved to approve using \$3480.02 of the ARPA funds to cover the amount not received from the grant. Willard seconded the motion, all were in favor, motion passed.
- **Select board meeting recordings:** Caisse moved to stop the recording of these meetings adding there is no need for it since we have minutes. Caisse added that he does not appreciate being on YouTube forever. He only agrees if the recordings are confined to our own programs which we don't have. Caisse noted we will still broadcast the meetings but not record them. Willard and Ezell had no opinion. Ezell noted there are only a few people that look at the meetings. Ezell heard that one reason to record is for people who are

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

working and the recording helps. Ezell added he will have his wife put a pole on Facebook and review the responses at the next meeting. Ezell noted Zoam can record locally and maybe we can leave meetings up for a few days then delete.

- **Town Report Memoriam's:** *Caisse noted we need to find people to write up memoriam's for Dick Benotti, Honey Hastings and Connie Rinaldo. Ezell noted it was being worked on. Caisse added we also need to make sure we do not miss anyone from Temple who passed away this year.*

Committee Updates: -

- *Police – Ezell noted the police budget was approved. Still having trouble hiring officers.*

Meeting Adjourned:

Motion to adjourn by Willard second by Caisse. Meeting adjourned at 7:53 PM.

Next Select Board Meeting: *The next select board meeting will be held on Tuesday December 27th at the town Hall main room at 6:30pm. Meeting minutes respectfully submitted by Carole Singelais*

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

Attachment #1

Public Comment – to the Select Board, December 13, 2022

Please incorporate these remarks into the minutes for this meeting.

The Holiday Lighting Committee held its annual ceremony to celebrate the lighting of the center tree on Sunday December 4. Each year we select an outstanding member of our town to do the honor of turning on the final switch. This year we were pleased to select Dick Benotti.

Dick rolled across the grass in his wheelchair promptly at 5 pm accompanied by Sandy and his brother in law, Tim Fiske. These are my remarks. I told the story of Dick starting his long career of service to the town when he was a young teenager. He worked as a janitor for the town and had the additional duty of lighting the woodstove for select board meetings in the old firehouse not far from where we stood at that moment. In addition to many years of service to the Congregational Church in various roles, most recently as its treasurer, Dick spent some 40 years with the Temple Town Band. He was also a key player in the committee that restored the Town Hall. Thank you Dick, and We are grateful to have you here tonight to have the honor of turning on our holiday tree!

This turned out to be a very special moment as Dick has recently passed away.

While not part of that ceremony, I cannot help but note the passing of Honey Hastings.

It was shocking and tragic. Honey was still very much involved in town affairs, serving on various committees, and of course leading the Historical Society. Her beloved museum project was never far from her many other roles.

I ask for a moment of silence for these two outstanding members of our community. We will miss them.

Attachment #2

Kieley Rebuttal from Select Board Meeting

There were multiple misleading, incorrect, or totally false statements made in the select board meeting re Ben Fisk's request for refund of legal fees imposed by the Zoning Board.

Regarding John Kieley's statement that the SB ignored ZBA requirements by not requiring an engineer to review, directly from the ZBA decision (bolding mine):

13A Standard #4:

"The proposed site shall be in an appropriate location for the use. Among the factors the Board of Adjustment will consider are: lot size, topography, soils, water resources, road access and locations of driveways, condition of existing structures and other relevant characteristics such as whether the proposed use is compatible with the surrounding land uses."

Conditions:

- Discharge of evaporator byproduct into the aquifer certified by state or verified as safe by hydrology expert.
- Existing shed on the property be removed and existing driveways onto the property be blocked off.
- **Applicant must retain a certified commercial building inspector to assure that the construction is consistent with application and meets and Town and State standards**

NH 'certified commercial building inspectors' are generally licensed professional engineers as allowed under Section 104.4 of the 2018 International Building Codes, which NH uses. Mr. Kieley apparently did recognize this fact, as he said 'engineer' in the meeting. The applicant did retain one, the professional engineer firm involved in the building. The lender also had a professional engineer of its own verify the work of the primary professional engineer. There is no wording in the decision that requires yet another inspector. Therefore, the applicant exceeded the ZBA requirement and clearly the SB did not ignore the ZBA requirement.

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

As for the rebate question itself, even the ZBA attorney stated that the SB should handle this. The question is not about the ZBA's reasons for the charges, it's about the validity of those charges.

Regarding Mr. Kieley's (non-sequitur) statements that the court severely criticized the select board and questioned the competence of the town attys in the Marsh case, the court order does not say anything approaching the hyperbolic accusations made about the SB or its attys. The closest statement is in a *footnote* on page 4 of the order:

"The history of the settlement troubles the Court in part because it suggests that the town **MAY** not be adequately protecting the public interest with respect to the junk yard." And, "Given that the Court is allowing the Kieleys to intervene in a **LIMITED** capacity and that this will provide them with sufficient opportunity to participate in the matter, the Court **NEED NOT** determine, for the purpose of this Order, whether the town's representation of the public interest in this case was adequate."

There is no statement anywhere in the court order that questions the competence of the town attorneys. I encourage anyone interested to read the actual court order on town website under selectboard.

Finally, Connie Kieley said in the meeting that the decision by the board re the Fisk rebate was based on what I (Bill) had told them to do. This is patently false, there is no evidence whatsoever to support this, and it slanders not only me but the people making the decision. No such events have occurred, period.

All the relevant documents are public and are available on the town website.