

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

Tuesday February 9, 2021

Via Zoom Call

6:30 PM

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

Other Attendees: Connie Kieley, Christine Robidoux, Gail Cromwell, John Kieley, Gary Scholl & Carole Singelais.

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:

* *Willard read a prepared letter dated February 6th. See Attachment #1.*

* *Connie Kieley read a prepared letter dated February 9th in which she resigns from the Temple Town Hall, Village Green, Holiday Lighting and Land Use Committees effective immediately. See Attachment #2.*

* *Gail Cromwell read a prepared letter dated February 9th. See Attachment #3.*

* *Ezell read a prepared letter from John Kieley in which he resigns from his EMD role effective February 19th. See Attachment #4.*

Willard then made a motion to accept the resignations of Connie and John Kieley with regret. Caisse seconded, roll call vote was unanimous in favor.

Old Business:

- **Marsh Litigation Update:** *Caisse reported that a court date was assigned with only 5 minutes allotted due to the mediation not happening yet. There will be mediation and our attorneys will handle it noted Ezell.*
- **Update on COVID 19 Initiatives:** *Caisse noted Kieley provided an update in his prepared letter noted above.*

New Business:

- **Approval of Town Warrant Articles:** *Ezell read each of the warrant articles below. The board discussed and voted as follows:*

Article 2: Approve bond for broadband expansion:

To see if the Town will vote to raise and appropriate the sum of one million eight hundred sixty two thousand five hundred forty three dollars (\$1,862,543) for the purpose of furnishing, constructing, and installing facilities and equipment to make a Fiber Optic Broadband Network available in the

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Town of Temple with seven hundred ten thousand four hundred thirty five dollars (\$710,435) of such sum to be raised through the issuance of bonds or notes under and in accordance with the provisions of the Municipal Finance Act (RSA 33) and, with one million one hundred fifty two thousand one hundred eight dollars (\$1,152,108) of such sum as a donation from the broadband provider; furthermore, to authorize the Board of Selectmen to apply for, obtain, and accept federal, state, or other aid, gifts, and donations, if any, which may be available for said project and to comply with all laws applicable to said project; to authorize the Select Board to issue, negotiate, sell, and deliver such bonds or notes to determine the rate of interest thereon, and the maturity and other terms thereof; and furthermore to authorize the Select Board to take any other action or to pass any other vote relative thereto. 3/5 ballot vote required. ***Roll call vote was unanimous in favor***

Article 3: Appropriate Town Operating Budget:

To see if the town will vote to raise and appropriate the sum of One Million two hundred thirty thousand five hundred fifty-eight dollars (\$1,230,558) for town charges as the operating budget and other necessary maintenance and operating expenditures. This article does not include appropriations contained in special or individual articles addressed separately. ***Roll call vote was unanimous in favor***

Article 4: Paving:

To see if the town will vote to raise and appropriate the sum of one hundred twenty six thousand dollars (\$126,000) for the Highway Department paving projects planned for 2021. The remainder of the project cost of \$248,000 will be drawn from the Asphalt and Paving Expendable Trust, previously established by Article 4 at the 2010 Town Meeting. ***Roll call vote was unanimous in favor***

Article 5: Renew Temple-Greenville joint police department agreement:

To see if the town will enter into a one (1) year inter-municipal agreement for the provision of police services pursuant to RSA 53-A between the towns of Greenville and Temple on such terms and conditions as specified in the contract. This article is contingent upon passage of a similar warrant article by the Town of Greenville. ***Roll call vote was unanimous in favor***

Article 6: New Police cruiser:

To see if the Town will vote to raise and appropriate the sum of fourteen thousand eight hundred and twenty dollars (\$14,820) as the Town's share (39%) of the cost to purchase and equip a police cruiser, fifty-eight thousand dollars (\$58,000) being the total cost. Twenty-three thousand one hundred eighty dollars (\$23,180) representing Greenville's 61% share shall come from the Police Cruiser Expendable Trust Fund, and an additional expenditure from Police Detail Revolving Fund of \$20,000 will be used to complete the purchase. This article is contingent upon passage of a similar warrant article by the Town of Greenville for the remaining cost of the cruiser. ***Roll call vote was unanimous in favor***

Article 7: Final payment on the Highway Dept. backhoe lease:

To see if the town will vote to raise and appropriate the sum of thirty-eight thousand, three hundred eighty-six dollars (\$38,386) for the third and final payment on the Highway Department backhoe

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lease-purchase authorized by Article 5 at the 2019 Town Meeting. ***Roll call vote was unanimous in favor***

Article 8: Highway Dept. purchase of 6-wheel truck:

To see if the town will vote to raise and appropriate the sum of ninety-three thousand dollars (\$93,000) to purchase a six-wheel dump truck, and to further authorize the disposal of an existing truck as best serves the town. ***Roll call vote was unanimous in favor***

Article 9: Highway Department study expendable capital reserve fund:

To see if the Town will vote to further study the relocation of the Highway Department to the Town owned, former Holt and Skladany properties (maps 7A-36-1 & 7A-36) and to raise and appropriate the sum of forty-five thousand dollars (\$45,000) for related engineering, survey, architectural and other preliminary work that will assist in this study. This appropriation would be held in a new Highway Department Study Expendable Capital Reserve Fund under the provisions of RSA 35:1. The Select Board would serve as agents for this Fund. When completed, this study would result in a report to voters including estimated costs and financing, timing and aesthetics. ***Roll call vote was unanimous in favor***

Article 10: Election of RSA 40:13: Shall we adopt the provisions of RSA 40:13 (SB 2) to allow official ballot voting on all issues before the town on the second Tuesday of June, 2021? (By petition) (3/5 majority required)

Article 11: Lot line adjustments:

To see if the town will vote to raise and appropriate seven thousand dollars (\$7,000) for two lot line adjustments:

A. To merge Map 2B-75-3 and Map 2 B-75-4 into one lot for the purpose of selling it as a single house lot.

B. To adjust the lot line between Map 2B-75-1 and Map 2B-lot 75-2 so that the southern lot is 50' wide. This southern lot would be retained by the Town subject to a conservation easement and would serve as a trail head for an established trail easement to the west. The Town would sell the other larger parcel as a single house lot. ***Roll call vote Willard no, Caisse yes, Ezell yes. Motion passed 2-1***

Article 12: Conservation easement:

To see if the town will vote to consider the placement of a conservation easement on that portion of Map 7A-35 (16.44 Acres) and 7A-35-1 north of the existing stone wall. ***Roll call vote was unanimous in favor***

Article 13: Veteran's Credit Exemption Increase:

Shall the Town vote to modify the optional "All Veterans' property tax credit" under the provisions of RSA 72:28-b in the amount of five hundred dollars (\$500) (currently \$100). If adopted, the credit will

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be available to any qualifying resident, or the spouse or surviving spouse of any qualifying resident, if the person is a resident of this state who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35. ***Roll call vote was unanimous in favor***

Article 14: Exemption for the Elderly:

Shall the Town vote to modify the Exemption for the Elderly under the provisions of RSA 72:39-(a) & (b), from property tax in the Town of Temple based on assessed value, for qualified taxpayers, to be as follows: a. for qualified single persons of age to increase the income limit to \$30,000 Dollars (currently \$13,400), and b. for qualified married persons age to increase the income limit to \$45,000 Dollars (currently \$20,400). Furthermore, to increase the asset limit for qualified taxpayers, to be as follows: a. for qualified single persons of age to increase the asset limit to \$50,000 Dollars (currently \$35,000), and b. for qualified married persons age to increase the asset limit to \$75,000 Dollars (currently \$35,000); or to take any other action relative thereto. To qualify, the person must have been: a. a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years; and, b.in addition, the taxpayer must have a net income of not less than \$13,400 or, if married, a combined net income of not less than \$20,400; and, c. own net assets not in excess of \$35,000, excluding the value of the person's residence, this was effective April 1, 2016. ***Roll call vote was unanimous in favor***

Article 15: Exemption for the Disabled:

Shall the Town vote to adopt an Exemption for the Disabled under the provisions of RSA 72:37-b from property tax in the Town of Temple based on assessed value, for qualified taxpayers, to be as follows: reduction of assessed property value in the amount of \$25,000.00. To qualify, the person must be eligible under Title II or Title XV of the Federal Social Security Act, must have been a New Hampshire resident for at least five years, must occupy the property as his principal place of abode, must own the property individually or jointly, or if owned by a spouse, they must have been married for at least five consecutive years, had in the calendar year preceding April 1 a net income from all sources of not more than \$15,000.00 if single and \$25,000.00 if married, and own net assets not in excess of \$50,000.00, excluding the value of the actual residence and up to 2 acres or the minimum single-family residential lot size specified in the local Zoning ordinance; or to take any other action relative thereto. ***Roll call vote was unanimous in favor***

Article 16: New Radios for Fire Department:

To see if the town will vote to raise and appropriate the sum of three thousand dollars (\$3,000) for the purchase of vehicle radios, to be expended only if a FEMA Grant is secured. ***Roll call vote was unanimous in favor***

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Article 17: Rec Department:

To see if the town will vote to create an expendable trust fund under the provisions of RSA 31:19-A to be known as the Temple Recreation Commission Expendable Trust Fund for the purpose of depositing donated funds specifically for the use and management of the Recreation Commission for their programs and events. **Roll call vote was unanimous in favor**

Caisse mentioned they needed to secure dates for candidate's night and prepare the postcard of dates soon. He also noted the budget hearing is on Thursday and he mentioned that people can now request absentee ballots from the town clerk. Dates for candidate's night were discussed and March 4th at 7:00 via zoom was mentioned. Possible dates were also discussed for the SB2 hearing. Robidoux asked if the broadband dates could be included on the postcard. She will notify the select board if she has them ready in time.

Ezell made a statement that he voted no to changing the ballot voting date to March because he got a lot of comments that people were upset and noted the majority of people wanted the voting to be in June, and then the date was changed without any voting discussion. He also noted the budget committee was impacted greatly as well. Caisse stated he was not real happy either and noted they have to do the early voting because of the school and he felt it did not make sense to have two voting dates and have people come in for 12 hours for possibly only 10-15 people voting on the school budget.

Ezell asked if they could change the 7 to 7 voting hours. Cromwell stated the deadline had passed for that and she added that thinking only 12 people will show up to vote on the school ballot was incorrect and she thinks there will be great interest, especially from parents. Cromwell then asked that the original dates be put back. Ezell said it is not too late. Connie Kieley added that the reason it is best to delay the voting date is the health and safety of the town. She noted March will probably be the pandemic peak time and so what if they need to hold the voting twice? Caisse said there is no guarantee people will be any safer in June and reminded that they had safe voting in November. Connie added that Temple's vote has no impact on the school results and mentioned a more deadly strain of the virus is coming and it is going to be worse than in November.

Willard commented that a lot of surrounding towns are having voting days and town meetings in March and April and they will have a lot more problems than we would have. He noted that the paper said the virus incidents are going down steadily and that he has as much concern for old people as anyone else. Cromwell stated that the 7 to 7 voting hours was agreed prior and yes it is tough, but she was impressed with how many people like to vote early. She also told the town moderator in the past to get some help but they don't ever want to get it. Caisse added that yes people like to go early in the morning to vote and the workers do have some relief and people do take breaks. Ezell said he is fine with 7 to 7, people like it. Ezell then made a motion to return the ballot voting date to June 2nd. There was no second.

Robidoux commented that she also thinks the voting should be held in June not March for the same safety concerns expressed by Connie. She understands the moderators concern about having voting

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twice but felt the decision was not in the best interest of the residents. Concerning broadband, Robidoux noted that she was not clear on how this date change decision was made and that it may not have been done appropriately and therefore she felt it may affect their ability to get a bond. She said they need to be clear and suggested seeking legal counsel. It was noted that the bond attorney will be getting Friday and Saturday's minutes.

Caisse asked Scholl his feelings on Thursday night's budget hearing. Scholl stated they have delivered the budget and he is happy with it the way it is noting that the SB or the people can make adjustments. Scholl asked if it was ok with the select board, he will send the detail budget to the webmaster to post on the BAC webpage to make it available to people who want to attend the meeting on Thursday.

Connie Kieley asked what the decision was on the motion Ezell previously made. Ezell said there was no second on that motion. Connie replied "so neither the broadband nor the health of people were important to them". Caisse clarified that she keeps telling him what his opinion is and he does not do it to her, so don't do it to me. Caisse added his opinion is for the people of Temple and that he cares a lot about the health and wellbeing of the people of Temple.

- ***Approve Building permit application – Gates (Kendal Rd.)*** – Caisse noted this was a new ranch building with a porch, full basement and attached 2 car garage which has been signed off by all departments. Caisse made a motion to sign the application, Willard seconded. Roll call vote was unanimous in favor.
- ***Approve Meeting Minutes SB & Broadband Feb 5*** – After discussion and corrections, Caisse motioned to accept the minutes as amended. Ezell seconded. Roll call vote was unanimous in favor.
- ***Approve Meeting Minutes SB & Broadband Feb 6*** – After discussion, Caisse motioned to accept the minutes as written. Roll call vote was unanimous in favor.
- ***Approve SB Meeting Minutes January 26 & Feb 1, 2021*** – After discussion, Caisse motioned to accept the minutes from January 26th and February 1, 2021 as amended.

Approval for the \$800 Invoice for Eric Foley Forestry consultant, was discussed. Caisse noted it was not in the budget from last year, not enough money left to do it. Willard said we need to find some place to put it. Scholl had a suggestion noted Ezell. Ezell said we should approve the payment and figure out later where to put it. Ezell moved to approve the payment, Caisse seconded. Roll call vote was unanimous in favor.

Caisse mentioned that the water heater and boiler at the municipal office, have been fixed and the invoice was at the office.

- ***Approve Letters to Comcast and Consolidated Communications*** – Caisse motioned to approve these 2 letters of the Broadband's notification of RFP selection. Ezell seconded. Roll call vote was unanimous in favor.

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- **Meeting Adjourned:** 8:09 PM. Motion by Willard, second by Ezell, roll call vote Ezell yes, Willard yes, Caisse yes.

Next Select Board Meeting: Tuesday February 23, 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

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Attachment #1

February 6, 2021

Select Board Meeting

I just want to clarify a few things regarding last night's B.O.S. Meeting. First and foremost, there was no collusion, as was suggested, regarding the ballot voting date.

Ken Caisse still has to work for a living and I try to socially distance myself from our computer as much as possible – for personal health reasons.

Bill Ezell has been excellent and instrumental in researching the possible voting dates as per state requirements. I believe that at a prior Select Board meeting, He volunteered to research the legality of the ballot voting day by contacting both, Chris Drescher and Steve Buckley of the NH Municipal Association. In turn, he would forward Drescher's and Buckley's opinions to us. That is all he did.

As with several other committees in town, it is customary to have one person, representative of that committee, research the necessary legal requirements and share their findings with the other committee members.

On February 3rd, Bill wrote (and I quote) “DANG, looks like we do need to hold voting on March 9th for the Con Val school district along with all the other Con Val towns.”

When I began reading my E-Mails yesterday, I, myself decided that we should elect to have the ballot voting for the school district on March 9th.

Ken Caisse should not have been excoriated for his actions and G.Cromwell had no cause to insist that Ken must resign his position on the select board. That is to be left up to the voters on election day.

I, myself, have attended 2 or 3 seminars regarding the “Right To Know” laws during my terms on the select board. As Chair, Gail made it a point to call me, to alert me as to what was coming up and often suggesting how I should vote.

Neither Bill Ezell nor Ken Caisse have ever tried to influence my vote. I have suffered many criticisms from those who would choose to run this town through various other committees. I have chosen not to respond in kind. I can get payback without being insulting.

I take great delight in advocating for those many residents of our great town who are of more

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modest means who have been affected by this pandemic and struggle to care for their family, pay their property taxes and put food on their family's table.

Thank you all for your time.

Respectfully Yours,
George Willard, Selectmen

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Attachment #2

February 9, 2021

Select Board:

Due to the recent and ongoing actions of this Select Board, I must resign my positions on the following Committees:

Temple Town Hall Advisory Committee

The Village Green

The Holiday lighting Committee

Temple Land Use Committee

On Feb 2 the Select Board voted to postpone Temple's voting day and Town meeting to June. When learning that the ConVal voting had to be on March 9, Ken Caisse, out of the public view and without a public discussion or a public Select Board vote, acted alone by deciding that Temple's ballot voting date should coincide with ConVals. Again, acting alone, he posted Temple's Budget Hearing to accommodate his decision to change Temple's June date. And again, acting alone, he told Gary Scholl he must proceed with a previously cancelled BAC meeting to finalize the Town Budget. In an email dated February 4, Carole Singlais, Assistant to the Select Board, questions if this new posting will qualify for the 24-hour posting.

The Select Board met on February 5, where Ken Caisse admitted violating the Right to Know Law. The Select Board then supported Ken's wishes by proceeding to vote to move back Temple's dates to have the Town Ballot voting date on March 9. There was no reason, other than for convenience of a few to vote the Town Ballot and ConVal's ballot on the same day. Delaying ballot voting to June, is an issue of the safety and health of all Temple residents, but that was not a concern of the Select Board. The Select Board never took under consideration that keeping Temple's Town Ballot voting in June would allow more of our residents to be vaccinated and give us all more data on how to deal with new Covid variants that are much more transmissible and deadly.

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On February 6, at the Select Board's hearing for broadband, Mr. Willard read a letter he had written, attempting to defend his actions from the night before.

In Mr. Willard's letter of February 6th, he states "I have suffered many criticisms

from those who would choose to run this town through various other committees. I have chosen not to respond in kind. I can get payback without being insulting." I, however, take great insult with Mr. Willard's paranoid comments denigrating volunteers who work on town committees. This Town could not exist without the multitude of committees and volunteers (150 Volunteers) who give hours of their time to keep this town running. Mr. Willard does not appreciate their efforts and is, instead, threatened by their existence. The fact that the Town now has to rely on Committees is mostly because this Select Board is not able or generally unwilling to do the work themselves. I know, as does anyone else who has lived in town that Mr. Willard's holier than thou statement about not responding in kind and getting his payback without being insulting is a total mistruth. All one has to do is read past articles in the Ledger to understand the type of person Mr. Willard truly is. His attacks are a matter of public record.

Mr. Willard, as self-proclaimed "Founding Father", believes he has the right to decide who gets special treatments and who doesn't. Given the discussion at last week's Planning Board meeting, Mr. Willard showed he has no respect for the town zoning ordinances or that he fails to comprehend them.

Mr. Willard believes the special few "Founding Fathers" should have the right to disregard RSA's. Mr. Caisse simply believes he is all powerful and can ignore all state statutes.

As so-called leaders, their actions should be setting examples. Their behavior is the antithesis of how a Town should be run. I have never asked for thanks for all the Committee work I have done in the past 20 years. I would, however, expect the Select Board to respect all the volunteers in town instead of claiming false conspiracy theories.

I must resign from the above committees until there is new leadership at the Select Board level that respects the Right to Know Law as well as the many volunteers who give so much of their time to the Town.

Sincerely,

Connie Kieley

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Attachment #3

Public Comment, Select Board Meeting, February 9, 2021

State law is very clear on two matters: A single selectman has no authority. Only the select board itself can make a decision. Further, the select board cannot make a decision outside of a posted meeting. This is basic Right to Know Law.

At its meeting on February 1 the select board voted to move town meeting to June in the belief that it would be safer outdoors and more people would have been vaccinated. It was thought that the school vote could also be moved. Upon legal review the latter turned out to be incorrect.

The select board may collect legal information and may share it among themselves

but discussion must take place in a meeting. Not by email, not by telephone. The proper next step would be to call a meeting of the board, with proper notice given to the town.

But instead, Ken Caisse took it upon himself to make a decision, outside of a meeting, to change the earlier decision that the town would vote all ballots in June. He alone of the select board decided that all ballots, school and town, would be voted in March. The only clue this was happening was the notice that a new Budget Hearing date had to be announced immediately to conform to state requirements.

Ken Caisse made these decisions, on his own. Outside of a meeting. Against state law. To claim that he was acting in the best interests of the town is the epitome of arrogance. He alone cannot determine the best interests of the town.

And it had serious consequences about the health risks to the people of Temple, at a time when new variants of covid are appearing. It was a decision that deserved full discussion. At the actual meeting the vote was 2-1, Ezell opposed.

George Willard claims no collusion, that he read the legal information and understood that the Conval vote had to be in March. But that realization belongs only to himself until a meeting is held. They all

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knew what Caisse was doing and are complicit. Either of the other two could have stopped it by saying this is wrong, we must have a meeting.

George Willard's vote shows once again that he has no concern about the welfare of the people of Temple. He urged steadily since the pandemic began that he wanted to reopen the town. Fortunately, the rest of the board did not go along, or Temple might have the hundreds of cases that our neighboring towns just south of us have.

The town of Temple deserves better than selectmen who knowingly break state law.

Gail Cromwell

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Attachment #4

To: Temple Select Board

From: John Kieley

Since last March, I have worked to bring the Select Board the best advice available from the various State and Federal sources which I have been in virtually daily contact with. Until recently, the majority of the Board generally followed that guidance. Now two members of the Board are making COVID related decisions that ignore State guidance and a recent Emergency Order. This situation is exacerbated by the fact that you are admittedly making these decisions outside of posted meetings in violation of the State's Right to Know statutes.

We could debate your actions and decisions for days, but the most important issue to me is that resident safety is way down your priority list. For this reason, I am resigning as EMD effective Friday, February 19, 2021. During this time, I will be available to help bring whoever you appoint up to speed.