

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

Tuesday April 12, 2022

Town Hall

6:30 PM

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

Other Attendees: John Kieley, Christine Robidoux, Jessica Hipp, Connie Kieley, Gail Cromwell, Alec MacMartin, Ivy Bibler, Tim Fiske, Peter Allen, Mark Paluilis.

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

Chairman Comment:

Public Comment:

- *MacMartin asked the board if anything has been done with issuing a second cease and desist letter to Boo Martin and Stepping Stones. Caisse replied they have spoken with legal and have been advised to not do anything until the case with the ZBA is resolved. Caisse added that no event requests have been made to the board and he does not believe any events have been held.*
- *Cromwell addressed the decision of the select board to attach irrelevant personal opinions of a select board member, Ken Caisse, to the public minutes of its meeting on March 9th. Caisse stated he stands by his comments. (See Cromwell's attached statement). Ezell commented that he asked legal and was told the attachment can remain in the minutes and it must be a majority decision by the board to remove it. Ezell made a motion to amend the March 9th minutes to remove the attached statement by Caisse. There was no second, motion failed.*
- *Connie Kieley provided a document proving she had the sole rights to the graphic design on the annual "stay informed and vote" card and asked that we not use it again.*
- *John Kieley asked if he could hang a Ukrainian flag in front of the town hall to show support. Ezell motioned to authorize Kieley to hang a 3X5 Ukrainian flag at the town hall. Willard seconded the motion. All were in favor, motion passed.*

Old Business:

- **Marsh Litigation Update:** *Ezell updated that they have been advised by counsel to accept the mediation settlement. Kieley asked why the town is blocking the abutter's involvement to have a seat at the table on this case at court. Ezell stated that they have met with 3 law firms for advice and have been advised by all to accept the settlement and not agree to abutter involvement. Ezell added that the judge on the case has the option to view the settlement and decide to send it back to mediation which is what they are hoping happens. Ezell added that it will be advantageous for the judge to see the town cooperating. Caisse added that the abutters were supposed to provide a problem list and the board had agreed to have a special meeting allowing only the abutters to speak. Then they would approach the lawyers together but that never happened. Kieley had sent information to attorney Driscoll. Kieley also stated that the town's*

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

lawyers have pushed back and have not been very helpful so they choose to not go that route. Connie Kieley also read a statement criticizing the select board (See second attachment). Ezell added they have to listen to legal advice and have received the same advice from multiple lawyers and law firms adding that if Kieley and the abutters can convince our attorney to agree to allow them to be heard, then they will reconsider. The select board was asked if they thought the agreement was good for Temple. Ezell and Caisse said no they did not and Willard did not comment. The board held off on making a motion to accept the settlement for 10 days and instead Ezell motioned to hold a special meeting on April 20th at 6:30 at the town hall to review recommendations from town counsel and conclude this discussion. Caisse seconded the motion, all were in favor, motion passed.

- **Code Enforcement Officer:** *No update*
- **Parking/Zoning/Fee structure follow up:** *No update*
- **Background checks:** *Caisse noted he still needs to get with the Library chair.*
- **Auto Repair License follow up – Mark Paluilis:** *Ezell stated they thought they only needed Paluilis to sign an agreement in order for him to apply under the home business #2 guidelines. However, Caisse learned that home business #2 excludes service stations. Ezell informed Paluilis that unfortunately they need to run this by town counsel and will get back to him ASAP.*
- **Smokey the Bear –** *Caisse stated there was a request from fire warden Connolly to determine the best place to put the Smokey the bear sign. The town store did not want it on their property. The fire Chief recommended it be placed in front of the fire station/municipal building which will need to be approved by the state first. Caisse motioned to place the bear in front of the fire station if approved by the state. Willard seconded, all were in favor, motion passed.*

New Business:

- **Reappoint Ivy Bibler CIP committee –** *Ezell motioned to reappoint Ivy Bibler to the CIP committee for a 3 year term. Willard seconded the motion, all were in favor, motion passed.*
- **CAC Committee update:** *Hipp updated that CCI has begun turning on service and that reports have been positive. Residents can now schedule appointments and can contact the broadband committee at templebroadband@templenh.org with any questions or contact CCI at 888-646-2855. Peter Allen mentioned the \$14 fee that Temple residents who signed up for CCI will be paying. Hipp reminded that this amount is to pay off the bond and most towns have the same infrastructure fee and it will never increase and may decrease and has been in the contract from the start.*
- *Robidoux mentioned they have officially received word from NH Housing Finance Authority that our grant application for the NH Charrette has been accepted in the amount of \$5000. Robidoux asked that the board review the application and the chair sign that and the SB official letter of support.*

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

- **Property discussion:** *Tim Fiske commented that the property in front of the Elementary school owned by the DOT is wrong on the tax maps and we don't need to purchase it. We have frontage and just need some culvert and excavation work done and if the board approves, he will work with the road agent to move forward. Caisse made a motion to move the bar way and complete the necessary work. Ezell seconded the motion, all were in favor, motion passed.*
- **Appoint Jill Connolly & Elicia Gettings to the Recreation Commission:** *Ezell motioned to appoint Jill Connolly and Elicia Gettings to the recreation commission for 3 year terms. Willard seconded, all were in favor, motion passed.*
- **Reappoint Scott Hecker and Sean Radcliffe to the Con Com Commission:** *Ezell motioned to reappoint Scott Hecker and Sean Radcliffe to the recreation commission for 3 year terms. Willard seconded, all were in favor, motion passed.*
- **Reappoint Peggy Cournoyer and Liliane Lebel to the Historic District Commission:** – *Ezell motioned to reappoint Peggy Cournoyer and Liliane Lebel to the Historic District commission for 3 year terms. Caisse seconded, all were in favor, motion passed.*
- **Reappoint Rob Wills and Mary Scholl to the Holiday Lighting Committee:** *Caisse motioned to reappoint Rob Wills and Mary Scholl to the Holiday Lighting Committee for 3 year terms. Willard seconded, all were in favor, motion passed.*
- **Reappoint Andy Paul to the CIP Committee:** *Caisse motioned to reappoint Andy Paul to the CIP Committee for a 3 year term. Ezell seconded, all were in favor, motion passed*
- **Discuss select board committee roles:** *To be addressed at the next select board meeting on April 26th.*
- **Review & Approve Building permit application (In ground pool) – Desmarais:** *The board reviewed and approved.*
- **Review & Approve Building permit application (In ground pool) – Grimes:** *The board reviewed and approved.*
- **Review & Approve Building permit application – Ben Fisk:** *Caisse mentioned that there is an approved septic system on site noting it will be redone in the future and will need a new septic plan when that happens. The board reviewed and Ezell and Willard approved the application with Caisse abstaining.*
- **Review & Approve Solar permit Application – Couture:** *The board reviewed and approved.*
- **Review & Approve Veteran's credit Application (All vet) – Giannini:** *The board reviewed and approved.*
- **Approve PA-7 Notice of Intent to cut – Kendall Rd. - Sartell:** *The board reviewed and approved.*
- **Approve PA-7 Notice of Intent to cut – Howard Hill Rd. - Kingston:** *The board reviewed and approved.*

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

- **Review and Approve MS-232 Report of Appropriations Actually Voted** – *The board reviewed and approved.*
- **Approve Select Board Meeting Minutes March 22, 2022:** *Caisse motioned to accept the minutes from March 22nd, 2022 as amended. Willard seconded, all in favor, motion passed.*

Other Business: -

- *Robidoux reported that she has resigned from the 250th Anniversary Fund Committee. Caisse commented that the board would like to thank Christine for her many years of service.*

Committee Updates: - *None*

Meeting Adjourned: 8:06 PM. *Motion by Ezell, second by Willard, all were in favor, motion passed.*

Next Select Board Meeting: *A Special meeting will be held on Wednesday April 20, 2022 at 6:30 PM at the town Hall to discuss the Marsh case.*

Next Select Board Meeting: *The next regular select board meeting will be held on Tuesday April 26, 2022 at 6:30 PM at the town Hall. Meeting minutes respectfully submitted by Carole Singelais*

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

Public Comment, April 12, 2022

I am addressing the decision of the select board to attach irrelevant personal opinions of a select board member, Ken Caisse, to the public minutes of its meeting on March 9th. While Mr. Caisse may have opinions—in this case about me—his opinions have nothing to do with the business of the meeting on that evening, and it is inappropriate to include his personal views with the minutes of the meeting.

It is also the case that Mr. Caisse's accusations are inaccurate. His remarks address what he perceives to be comments I made concerning Wendy Drouin at the Candidates' Night on March 3. He is mistaken about the situation. I never accused Drouin of anything. I was told by the moderator to sit down and I followed that instruction. I made no comments about Ms. Drouin at that meeting or since. As a result, Mr. Caisse's ad hominem attack is based on pure conjecture.

Since Mr. Caisse's personal comments are irrelevant, and a highly inappropriate personal attack, I am requesting that they be removed from the minutes of March 9.

Thank you.

Gail Cromwell

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

ATTACHMENT #2

We are just perplexed. The Marsh collection *meets* the statutory definition of a junkyard. In 2018 the ZBA denied their request for a Special Exception. Since then there has been total disregard for the Town's 2019 cease and desist orders. The Town has ample injunction, fee recovery, and daily penalty powers under 676:15 & 17. How/why did the Select Board give up that leverage? How was a "slam dunk" case turned into a settlement permitting an illegal junk yard with no protection for the town?

By law, you, the Select Board, are responsible. NH RSA 41:8, states that the Select Board shall manage the prudential affairs of the Town and perform the duties by the law prescribed. Each one of you has taken an oath to faithfully and impartially discharge and perform all duties incumbent upon you as Select Board members according to the best of your abilities, and agreeably to the rules and regulations of the Constitution and laws of the State of New Hampshire.

"The selectmen are uniquely empowered to protect the town's interests when no other board or official is specifically charged with the responsibility."

Instead of fulfilling your duty, you have said:

1. It is out of our control.
2. The Lawyer makes the decisions – we had nothing to do with it.
3. The other two SB members must have approved it.
4. I don't want to be held responsible for this decision.
5. I like rusty old big machinery.

There have been many misleading statements from you.

In August of 2021 we were told a court date was set. We were led to believe that mediation had ceased. Then 6 months later, 3 weeks before the Town election, out of the blue, you state you have agreed to a settlement. A settlement that expands the junkyard with no protections for the town.

We have filed a motion to intervene. You object on grounds that it would prolong the case. The consideration should be: will this lead to the best decision for the town. You should agree to our motion to intervene, to try to offset the damage you have done.

And I have now heard you are concerned that your delay in resolving this case appropriately may cause legal fees to be awarded to the Marsh family. While this is highly unlikely, I ask that you consider the environmental and health impacts this agreement will have on Temple residents for years to come as well as the enormous cost the Town will have to pay to clean this 4-acre illegal junkyard.

All of your actions indicate this Select Board does not and never has had any interest in protecting our town from an illegal junk yard adjacent to the aquifers, streams, a pond and several wells. The Select Board speaks for the Town and your silence is deafening.