

TOWN OF TEMPLE, NEW HAMPSHIRE

SELECT BOARD

MINUTES OF PUBLIC MEETING

**Tuesday April 13, 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, Jessica Hipp, Mike Flynn, Ivy Bibler, Steve Andersen, Honey Hastings, Vivian Wills, Scott Hecker & 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:** None

**Old Business:**

- **Marsh Litigation Update:** *Ezell reported that the parties held the mediation session on March 24<sup>th</sup>. Ezell discussed the process and added that a good faith proposal will be presented soon and he noted that they have not accepted anything yet. He added that if they do reach a settlement and the party does not comply, he explained that the court process is a lengthy one and can take years. Ezell noted the select board has very narrow authority. Ezell noted that the select board is meeting with the town attorney on Wednesday April 14<sup>th</sup> to discuss the case further.*
- **Update on COVID19 initiatives:** *Bill McDonnell reported that the number of positive cases and hospital deaths are still rising. He reminded people to remain vigilant, wear masks, practice social distance and get vaccinated. McDonnell also noted that the state of NH is currently first in the nation for vaccines.*

**New Business:**

- **Broadband Update:** *Jessica Hipp reported that Consolidated Communications (CCI), has sent a draft of the contract and they are redlining it. She added that there are several possible additional funding opportunities at the state and federal levels which they are watching closely. Jessica noted that the broadband committee is working with the capital improvement committee to complete the application for the bond bank. Jessica added that they have a list of residents who have concerns and CCI has dedicated an employee to handle these concerns. Other updates include the next public hearing will be on April 22<sup>nd</sup> at 6:30, a CCI webpage is being developed where residents can get updates on progress, and she noted that CCI would like to get into the town buildings at some point and they are willing to come to town events to talk with people.*

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- **Ben's Legal Fees** - Steve Andersen asked the select board to continue discussion on waiving the ZBA legal fees on Ben's pure maple products which are now over \$11,000. Ezell noted that they have conversed with 2 legal firms who confirmed that the select board cannot interfere with the Zoning board. Ezell added that the select board could request that the ZBA waive the fees but they cannot force them to do it. Andersen noted that this should be the standard policy for every applicant, not just Ben. Caisse added that there are several reasons why it is not a good idea to impose legal fees. One being that they do not want people to be afraid of going through the ZBA process because they cannot afford the potential legal fees. This can lead to people going around the process and asking for forgiveness afterwards. Caisse added that they could not find any other cases in Temple where the applicant was charged the legal fees and both attorneys said they have not heard of any other towns that charge applicants the legal fees. Connie Kieley added that the applicant and their attorneys can read the application and she noted that Ben signed the application. Caisse motioned that the select board write a letter requesting that the ZBA waive the town legal fees for Ben and change their policy ongoing. Willard seconded the motion, roll call vote Caisse yes, Willard yes, Ezell abstained.
- **Proposed Town Policy on Appointments:** Gail Cromwell mentioned that at the last meeting, a town policy for appointing committee members was discussed after the select board appointed an alternate to the ZBA committee without the committee's recommendation, and there were other qualified candidates that were not considered. Cromwell stated that she has written a policy and went on to read it to the select board. (See attached). Cromwell stated the select board needs to support committees and encouraged them to adopt this policy as written. Caisse and Ezell agreed that the select board has the authority to appoint committee members. Willard added that each committee may advise the select board who they would like to add but it is the select board who appoints. Scott Hecker commented that he does a lot of work to find qualified candidates to fill openings on the Com Com committee and would be surprised to find out he is doing all that work for nothing. Other comments were heard. From those comments, the consensus was that committee openings should be put on the agenda first, that there should be a policy in place, and they concurred from past experience that the applicant has always gone to the committee first. After that, the committee makes their recommendation and the applicant then presents a letter of interest to the SB. Ezell mentioned that the municipal association rules state that there cannot be any appearance of impropriety no matter how pure the intentions are. He added that since this process has been followed in the past, it now may appear that we are changing the process. Caisse said they should get together and write a policy and review it at a later date.
- **Laura Lynch:** Laura asked to discuss an exception to the warrant articles. She stated she wanted to submit an article a while ago but for personal reasons, she could not do so in time. Lynch stated she has until May 11<sup>th</sup> to add one. Ezell notified her that was incorrect and the deadline has passed. He reminded everyone of the changes this year due to the COVID guidelines. Lynch will have to add her warrant article next year and she can call the municipal association for additional clarification.

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- **Building Permit Application – 4 Kuti's Jeta Grove:** *The select board discussed and approved the building permit applications received from Jeta Grove for 4 Kuti's.*
- **Certificate of Occupancy - Connolly:** *The board discussed the occupancy permit for the new Connolly farm building. After discussion some additional research is needed to make sure the square footage is accurate and that the correct fees were paid.*
- **NE Forestry Exemption denial:** *The board reviewed the application and concurred with Avitar that it should be denied as it has been every year, since they do not qualify for the exemption.*
- **Approve Meeting Minutes March 23, 2021:** *– One spelling error was noted and after discussion, Caisse motioned to accept the minutes as amended. Ezell seconded. Roll call vote Caisse yes, Ezell yes, Willard abstained.*

*Ezell stated that he misspoke at the last meeting regarding the ZBA candidate's letters of interest and wanted the correct statement to be noted. Cromwell said that the record for tonight's meeting should say that they did have a letter of interest from Allan Pickman and that the wording at the last meeting that there were no other letters of interest received, was an error. The board agreed to add this comment.*

**Other Business:**

- *Vivian Wills asked for clarification on what is now open in town and if anything was posted on the town website about it. She noted that she gets asked this question all the time. Caisse said we did open all town outdoor properties, but not the buildings. Wills asked that we post this update on the town website. Caisse asked the select board assistant to work with the webmaster to post this announcement.*

**Committee updates:**

- *Willard mentioned there was a SAC (Selectmen's advisory committee) meeting on March 25<sup>th</sup> and that 12 people attended. He noted that Kimberly Saunders reported that NH consistently is in the top 5 states for public education. Also, regarding home schooling, Saunders noted that some are excellent and some are very poor. Also noted, there are many new members on the school committee.*
- *Willard provided an update on the planning board's meeting on April 6<sup>th</sup>. He reported that Jeanne Whitcomb presented a 3 acre subdivision plan for a 3 acre lot abutting Colburn road and route 101. Willard also reported that Randy Martin's 2 lot subdivision was reviewed and approved. Also noted was that Robidoux was trying to get alternate positions on the planning board but she did not get a second.*
- *Ezell noted there was a joint police board meeting that lasted 5 minutes. He stated that they cannot decide which one of them wants to be chair so Bill is stuck with it for now.*

**Meeting Adjourned:** 8:17 PM. Motion by Caisse, second by Ezell, roll call vote Ezell yes, Willard yes, Caisse yes.

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**Next Select Board Meeting:** Tuesday April 27, 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 page 5

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Attachment

Town Policy

Whereas the Town of Temple has 10 standing committees staffed entirely by volunteers who are appointed rather than elected, all of which do very important work for our town. They are:

CIP Committee

Conservation Commission

Historic District Commission

Holiday Lighting Committee

Recreation Commission

Renewable Energy Task Force

Safety Committee

Town Hall Advisory Committee

Village Green Committee

Zoning Board of Adjustment

The responsibility for recruiting members, developing and establishing long term goals, encouraging the education and training of members in applicable state laws, rests primarily with those committees themselves,

Each committee is best able to determine the appropriate skill sets and balance of personnel that it needs to accomplish its goals in the best interests of the town,

Accordingly, it is declared that the policy of the Town of Temple is to continue its long-standing tradition of each committee having the responsibility of nominating its new members to the select board who in turn may make suggestions but not interfere in approving those nominations.