

Select Board & CAC Broadband Subcommittee
Joint Meeting Minutes
Friday, February 5, 2021 at 6:30 PM
Via Zoom per Gov. Sununu Emergency Orders #12 & #16

Caisse opened the meeting at 6:30 PM

Emergency Order Checklist Read by Ken Caisse, SB Chair

Roll Call Attendance:

Select Board: Ken Caisse (Chair), Chair, Bill Ezell, George Willard

CAC Broadband Subcommittee Members: Jessica Hipp (Chair), Christine Robidoux, Dana Nowell, Keith Charlton, Mike Flynn

Members of the public in attendance: Connie Kieley, Ken Sullivan, Kyle Kullgren, Gail Cromwell, John Kieley, Niki McGettigan, Bryan Christiansen, Bruce Kullgren, Tim Fiske, Murray Collette, Call-In User_1, Chaga, Leona Davis, (603) 654-2719, Cris Sullivan

Discussion of RFP Responses and Broadband Committee Recommendation

Jessica Hipp introduced by Caisse and gives a summary of our deliberations and recommendation.

Comcast did not submit a revised proposal response so we considered their original proposal. These are some of the highlights from CCI's revised proposal:

- Just like the original proposal, all residents in town will be eligible for fiber
- As long as there is a communication path from the pole to the house (aerial or through conduit) there will be no charge for install
- The amount the town will have to bond for to cover the unserved areas is now \$710,435 (originally \$1,291,270)
- CCI's contribution will now be: \$581,265 (build out served areas) + \$570,843 (drops and equipment) = \$1,152,108.
- Total project cost \$710,435 (town bond amt) + \$1,152,108 (CCI contribution) = \$1,862,543
- The Fiber Subscriber fee didn't change from their initial proposal at \$14.00 (it will never be higher than this amount)
- No Tax Impact

Ken Sullivan: Every residence will be covered?

Yes – for 100% coverage for all the town. Have they studied the infrastructure? Unserved and underserved are both included in the proposal. In early discussions with CCI they said they would use existing conduit if it's available. As long as there is a communication path from the road to the residence there will be no charge for the install.

Willard: No cost from the pole to the house?

If there is not a path, there would be cost. Homeowners can put in their own conduit.

Sullivan: In years past, there was some difficulty and complexity in determining pole rights. Is this an issue?

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D. Nowell: CCI has done this in many other towns over the last couple of years and it has not been a problem, and they are installing in a timely manner. There is no centralized way to get pole sign-off. The bulk of the poles are owned by CCI. Unless you have no phone lines. It should be simple for Consolidated.

There will be several hearings and forums over the next few months in preparation for the vote at Town Meeting in June. CCI will be present to answer resident questions and concerns at one or more of those hearings. The first hearing is tomorrow 2/6/2021 at 10 AM via zoom. CCI will not be present tomorrow, as it was short notice.

No further questions at this time.

Ezell motion to accept proposal from Consolidated Communications to provide fiber buildout in Temple, Willard second. Roll call vote, all in favor.

CAC Broadband Committee will start contract negotiations in preparation for vote at Town Meeting on June 12th, 2021 with our broadband contract attorney and town counsel. Select Board will be kept informed throughout the process.

Ballot voting dates

ConVal School Governing body is requiring Temple to vote on school budget on March 9th.

Public Comments:

J. Kieley (Temple EMD) – Discussion at SAC meeting on Tuesday, January 28th with Caisse representing Temple. There was a rough consensus at the SAC meeting, it was not brought to the Select Board meeting on February 1. It is disappointing that ConVal has done such a great job protecting students and staff, and is now ignoring the safety of voters. They had their budget hearing and deliberative session inside, voting will be inside. These decisions were made after the Governor and the state came up with really good option for deferring voting and town meeting, etc. Photos of the referenced ConVal meetings reveal there were few voters there. Likely there were no seniors or at risk voters in attendance. There is no public record that ConVal Administration brought this to the school board. The Selectmens Advisory Committee and Administration discussed it and a decision was made to go ahead without School Board input.

On Monday 2/1/21, the Temple SB made a decision to defer town meeting including voting. As EMD, I that felt good and was proud of that decision. The system worked; the legislature and governor developed the ability for towns to defer to a safer time and Temple, recognizing the safety implications, was taking advantage of it.

Then between Monday night and tonight 2/5/21, actions occurred, that the public was unaware of. Decisions were made and the voting was changed with no public meeting or discussion. To my knowledge the current SB has not attended the state Select Board training. Lawyers at those trainings drill into the members that one SB member, *alone*, cannot take any action relative to the town, and you cannot meet outside of posted meetings to make any decisions relative to the town. There is a flowchart

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on the state website that outlines the process. Kieley is disappointed. The SB could have called an emergency meeting Tuesday, Wednesday, even Thursday, to change the direction based on whatever new information you had obtained. Instead, the Select Board changed the direction and posted notices for hearings not discussed in public. The process was steamrolling. It is not in the best interest of Temple to be doing this. There are private interests benefitting, not the town. This is not an appropriate process going forward as a Select Board. It's not right.

Ezell (SB) Response: There was no grand collusion going on in the background. Ezell found out about it yesterday afternoon. There was a lot of confusion around this with the state, and the school voting in particular. We have to do it because the School Board has the authority over the voting on the school budget and school warrant articles. We can move the ballot voting, but we can't move the warrant articles deadlines and we can't move the budget hearing. The SB talked to NH DRA, NHMA, and the state Attorney General, as well as town counsel. "I don't like the way it has been done. It's debatable whether it was legal or not."

Public Comment:

Cromwell (CIP & BAC): Personally attended an NHMA training session together with Caisse. One SB member can do nothing *by himself*. Caisse acted alone, contrary to state law. We have to vote on March 9 for ConVal. It should be talked about. However, we are not required to have a town ballot voting on March 9. Caisse has harassed the BAC to finalize the budget. Caisse is not fit to serve and has violated the terms of this office.

Caisse (SB) Response: "I take full responsibility. I believed I was acting in the best interest of the town. I did what needed to be done. There is a process to file grievances with the state and you are welcome to do that."

Bruce Kullgren (Town Moderator): As your elected Moderator and in consultation with the elected Town Clerk, we recommended voting in the booth in the town hall on March 9th. When the decision came down from the state, they approached Caisse to discuss. Absentee and outside voting are permitted. There were no incidents during the four voting sessions last year. As Moderator he also spoke to state officials and believes this is the correct thing to do.

Cromwell: This is wrong.

C. Kieley: You cannot act alone.

Caisse motion to hold town ballot voting plus zoning amendments and elected officials on March 9th. Willard second. Caisse and Willard in favor, Ezell opposed. (Motion carries 2-1)

Public comment:

K. Charlton: This Select Board is out of order. There needs to be detailed clarification on what happened.

C. Kieley: Ken, Did you act on your own or communicate with the other SB members?

K. Caisse: I talked with the Moderator and the Town Clerk and they talked to other SB members.

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C. Kieley. Do you understand that sequential communication is not allowed? That is illegal.

C. Kieley: The deadline for residents to submit petition warrant articles has passed. The SB committed to including a warrant article related to Land Use. You have now slammed the door on that petition warrant article. When will the SB decide on what warrant articles to include?

J. Kieley: The DRA says the petition warrant article closing date is dependent on warrant article deadlines. The deadlines are confusing. Does this mean all money warrant article are now frozen? Like the Police Cruiser cannot be on the warrant article? What is the date? The usual process is the Budget Advisory Committee reviews and votes on the budget recommendations, then passes it to SB. This year the BAC has not finished the budget due to some outstanding items. When the meeting was postponed, we thought we had until April. Now the hearing has been set, without the BAC final recommended budget, therefore the SB is solely responsible for the budget at this point.

On Monday, the SB committed to the Temple Land Use Committee when they said they supported the warrant article based on the changes made by the CIP. Does the town have the word of the Select Board that they will include the Land Use Committee Warrant Article?

Caisse response: Yes, they commit to that. Ezell confirms. Willard: "I believe we will do it. It is on the budget presented to the SB." Willard commented on past and previous warrant articles that are in this year's BAC draft report. He ended by saying they are all rolled into one.

Ezell: Petition warrant dates were set by statute and cannot be changed.

J. Kieley: The State worked hard to move this forward, assuming that towns would take the option to defer both for the health of residents so all of the dates were moved accordingly. ConVal held back on deliberative session, held back on voting, SAC went along with it (Jan 28). Every other ConVal town is being squeezed now. ConVal is an anomaly. No other towns in the state to my knowledge are doing this. Shame on us.

Caisse: We went back and forth with legal counsel from the school and our town. We wanted to postpone voting, but couldn't do it per our legal counsel.

Kieley: SAC says Temple Select Board agreed to it.

Caisse: Lawyers said we had to do it.

C. Kieley: When this became an issue, SB should have called an emergency meeting. The dates are confusing, it is my understanding that all money warrant articles have to be ready for the budget hearing. When are you going to meet again to approve the warrant articles?

Caisse: At our regular meeting on Tuesday.

Ezell: BAC is meeting on Monday. There is still outstanding information.

C. Kieley responding to Kullgren: The pandemic is far worse than it was in November. You may not be aware but there are new strains. The health of the town seems to be a minor consideration in this

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decision. ConVal has been discriminating against older people by forcing their votes to be inside. SB2 supporters want Deliberative Sessions to be streamed. They don't understand that you need to be there to vote.

Kullgren: People can still vote absentee.

C. Robidoux: What is the process for absentee ballot voting, and what are the deadlines to request a ballot?

Kullgren: I do not have that in front me. I will speak with our town clerk, and we will do a better job of getting the information out to the public than we did in November.

C. Robidoux: Absentee Ballot request dates should be posted and shared widely.

C. Robidoux: The Broadband Committee was also scrambling this week to keep up with the daily changes the Broadband Committee were hearing about, and making calls to DRA, NHMA, and legal counsel. We received no phone calls regarding the date changes. We would have appreciated at least a quick call or email to find out how this decision would affect our work, or at least a heads up so we could plan accordingly. We found out via the town notices on Thursday.

J. Kieley points out that although many voted absentee many more voted in person, 700+ people, in November. It is not the same now as it was in November. Our case count is going up, is skyrocketing now in town, relative to November.

Ezell Motion to adjourn, Willard Second. Unanimous approval by roll call vote at 7:35 PM.