

Friday, March 15, 2024



Board of Selectmen Minutes – FINAL APPROVED

In attendance (quorum =2): Dianne Craig (Selectmen, Chair), Alicea Bursey (Selectmen), Steve Smith

CALL TO ORDER

The Board called the meeting to order at 5:01 pm.

PLEDGE OF ALLEGIANCE

DISCUSSION OF JANUARY 8, 2024

Chair Craig read a prepared statement regarding a resident concern that was received on March 13, 2024. Ms. Bursey asked for a copy of the speech to enter into the minutes.

PREPARED STATEMENT

First the Board would like to apologize for a Friday meeting, let alone an emergency one. We are here this evening for an emergency meeting to discuss issues with meeting procedure that occurred on January 8, 2024. This meeting is being called as items discussed here may have an impact for the upcoming Town meeting. The Board of Selectmen received a serious and valid concern on March 13, 2024, from a Town resident. That concern will be read next followed by a statement, review of minutes from January 8, 2024, discussion, a possible vote, and next steps.

RESIDENT CONCERN

On 2024-03-13 09:57, Steve Smith wrote:

Hi guys

In looking over the minutes of the January 8th meeting, it should be noted that all actions taken under that meeting may be deemed invalid since the Goshen Selectmen in attendance started the meeting prior to the posted meeting time.

It is clear it is unknown by the board that if a meeting is not legally posted and followed, action taken at that meeting may be invalidated. For instance, if a board terminates an employee at an improperly posted or run meeting, a large obligation to pay back pay may have accrued by the time the error is found and ordered corrected by a court (see *Stoneman v. Tamworth School District*, 114 N.H. 371 (1974) and *Johnson v. Nash*, 135 N.H. 534 (1992)).

Starting a meeting at a different time is no different a violation of NH Law than is to move a meeting to a different location without 24 hour notice. This is a basic requirement for a municipality and yet another

example of the Town of Goshen simply not following the law. I just don't understand why the Board of Selectmen continue to disregard New Hampshire law?

Steve Smith
General Manager - Program Director

PREPARED STATEMENT

To paraphrase what a previous select person has previously shared, “town officials receive little to no formal training. Most of what we do is hand-me-down knowledge or learned as we go”. And tonight is one such example of this. First, let me start by apologizing for the error and explaining what happened and how we will correct it.

On January 8 there were two meetings. The first was a public hearing that began at 6pm followed by our regular meeting which was scheduled and notified to start at 6:30pm. The public hearing was properly notified and recorded. With this, there are no issues.

The public hearing ended by 6:05pm; this is where the issue occurs. The regular Selectmen meeting was notified for 6:30pm and should not have begun before that time. This is the issue we are here to address.

With the best of intentions to be respectful of the time and schedules to those in attendance we began the meeting early at 6:06pm. This means the meeting started 24 minutes earlier than the notified time and is a violation of RSA91-A:2, II. The purpose of the RSA is to provide the opportunity to attend meetings where one may choose. Starting early without notification removes that opportunity. Again, this should not have happened. As a result, and rightfully so, this invalidates the actions of the meeting that evening.

To understand the scope of the issue, legal counsel was contacted and assisted with the guidance on the meeting this evening. To keep the actions of the evening of January 8, 2024, valid we need to go through the business of the evening and hold a vote to ratify the decisions of that evening.

Today’s notified, emergency meeting is occurring as there were items in the January 8th meeting which could directly impact tomorrow’s town meeting. I’ll explain.

One of the items in the January 8th meeting gave Chair Dianne Craig signing authority for actions on the Granite State Clean Fleets Grant. We found out yesterday that the grant has been awarded and to avoid issues with that paperwork and the Town Meeting and any votes tomorrow, we are endeavoring to correct the issue today.

We will now read through the minutes of January 8th, item-by-item including votes that were taken that evening. At the end there will be an opportunity for questions and answers as well as discussion with the public and the board. Depending on the results of those discussions there may be a vote to ratify the January 8th meeting votes.

This is an issue beyond January 8, 2024 and the seriousness of it needs to be addressed through policy and practice. Going forward, all meeting minutes will include at the bottom that meetings coming to order or business occurring before the properly noticed time are subject to invalidation by RSA 91-A:2, II. This will serve as a reminder to this and future Boards to watch their times and well as notice to all reading the minutes that their opinion is protected by statute.

[January 8, 2024 minutes and notification of this meeting follow as attachments.]

Chair Craig opened the discussion to the Board. Ms. Bursey shared that in the little research she had been able to conduct that issue may impact minutes going back five years based on readings about validity. As part of the corrective action process, Ms. Bursey suggested an audit of minutes going back five years to make sure all other meetings were in accordance with the law. Ms. Bursey further questioned what other impacts there are if other minutes are found to be non-compliant. Ms. Bursey and Chair Craig discussed options including contacting legal counsel if additional minutes are found to be non-compliant and to find out what the correction process would be.

Chair Craig again apologized and explained further reinforced the seriousness of the issue. Ms. Bursey interrupted and reminded Ms. Craig that no person on a Board acts alone. All of the members were involved in the issue, herself included.

Chair Craig stated that she would also apologize to the Town at the upcoming meeting. Chair Craig then opened the discussion to the audience.

Mr. Smith voiced concern over the errors in procedure and shared that other Boards have waited when opening times were early. Mr. Smith reiterated that both members present this evening screwed up.

Mr. Smith shared that his concern is for the town and that he wants to make sure it doesn't get sued or the grant gets messed up.

Mr. Smith further shared that he did not appreciate how he was treated previously when he entered the Town offices during a FEMA meeting occurring within the last year. Chair Craig apologized and clarified that she hadn't intended to be rude. Mr. Smith shared that Chair Craig was very cold and curt and that as a citizen he did not appreciate being treated like that by an elected official. Again, Chair Craig apologized and then clarified that others in the room did not feel the same way about the situation. Mr. Smith shared that his perception was that is how he was treated.

There was a brief discussion as to which other meetings may have issues. Ms. Bursey suggested that the discussion end as the notification of this evening's meeting was only notified regarding the January 8, 2024 minutes.

The public comments were concluded, Chair Craig brought the discussion back to the Board.

There was a discussion at the Board about next steps and the corrective action process for this and if anything is found during the audit. Mr. Smith summarized what he thought the next steps would be from a five-year review.

While the Board discussed next steps Mr. Smith reviewed past minutes and read results aloud. Mr. Smith shared that the minutes 2019, 2020, and 2021 were fine but there may be an error in the July 2022 meeting.

The corrective action plan going forward will be a five-year review of minutes, an official clock has been determined to be the Chair's watch or cell phone time; the cell phone time is preferred. The time will also be announced aloud, as it usually is for the audience and Board to hear. All minutes going forward will have a footer including "meetings coming to order or business occurring before the properly noticed time are subject to invalidation by RSA 91-A:2, II".

Chair Craig also suggested that Public Hearings not be scheduled in conjunction with regular meetings. Mr. Smith offered examples from how other Town's address this. The Board will review these options in another meeting.

Dianne Craig made a motion to ratify the votes and decision made in the improperly notified meeting of January 8, 2024 with no changes to the language. Alicea Bursey seconded the motion.

Role call vote: Dianne Craig - Aye

Alicea Bursey - Aye

Dianne Craig made a vote to add language to the final approved and currently posted January 8, 2024 meeting minutes indicating that meeting is invalid due to an RSA 91-A:2, II violation and to redirect readers to the March 15, 2024 minutes. Alicea Bursey seconded the motion.

Role call vote: Dianne Craig - Aye

Alicea Bursey - Aye

There was a brief discussion on the procedure other boards and committees are using to capture minutes.

Alicea Bursey motioned to adjourn the meeting at 6:06pm. Dianne Craig seconded the motion.

Role call vote : Dianne Craig – Aye Alicea Bursey-Aye

Meeting adjourned at 6:06pm.

Respectfully submitted,
Alicea Bursey

MINUTES OF JANUARY 8, 2024

-ATTACHMENTS CONTINUED ON NEXT PAGE-



Monday, January 8, 2024

Board of Selectmen Minutes – FINAL APPROVED

In attendance: Dianne Craig (Selectmen), Alicea Bursey (Selectmen), Sandra Sonnichsen, Shae Simino, Melissa Salinardi

CALL TO ORDER

The Board called the meeting to order at 6:06 pm.

APPOINTMENTS – None

APPROVAL OF MINUTES

- **Minutes of December 11th:**

No changes were suggested.

Dianne Craig motioned to approve the Regular Meeting Minutes of December 11, 2023 “as is”. Alicea Bursey seconded the motion. All were in favor-yes; motion carried, 2-0.

- **Minutes of the Working Session, December 18th:**

No changes were suggested.

Alicea Bursey motioned to approve the Working Session Minutes of December 18, 2023 “as is”. Dianne Craig seconded the motion. All were in favor-yes; motion carried, 2-0.

- **Minutes of the Public Hearing, December 18th:**

No changes were suggested.

Alicea Bursey motioned to approve the Public Hearing Minutes of December 18, 2023 “as is”. Dianne Craig seconded the motion. All were in favor-yes; motion carried, 2-0.

PUBLIC COMMENTS:

None

ROAD AGENT UPDATE

- **Granite State Clean Fleets Grant:** The Board discussed the Granite State Clean Fleets Grant. Although, the Town has not been awarded the grant at this time, a grant agreement, certificate of authority, and certificate of insurance is needed before final approval can be given. The Board discussed the timeline of the grant process and what the financial requirements would be from the Town. If the Town received the grant, there would be a requirement to put funds down before reimbursement would be given. Dianne Craig suggested using the unfund balance as well as what is already established for a new Highway truck in the Capital Reserve Funds resulting in no increase to taxes. She added that a warrant article would be needed if the Board agrees to present this at Town meeting. If the Town does not receive the grant, the warrant article would not be

necessary but if the Town does receive the grant, the warrant article will allow the Town to move forward with the grant process. The Board agreed to draft a warrant article to be added to the 2024 proposed budget.

Alicea Bursey motioned to grant Dianne Craig of the Town of Goshen to enter into a Granite State Clean Fleets Grant Agreement with the NH Department of Environmental Services, Air Resources Division, which is a reimbursement project only, and voted that Dianne Craig is duly authorized to enter into said agreement on behalf of the Town of Goshen, NH and is further authorized to execute any documents which may, in their judgement, be desirable or necessary to effect the purpose of this vote. Dianne Craig seconded the motion. All were in favor-yes; motion carried, 2-0.

The Board will go forward with the submission of all documents and the drafting of the warrant article for the upcoming 2024 Town meeting.

- **Lempster Coach Bridge:** Shae mentioned that the Lempster Coach Road may not be in the best condition to transport material for the upcoming bridge repair. He wondered if the Lempster Coach Road on the Lempster side was declared an emergency lane and whether Goshen had permission to be on the Lempster side of the road. He also wondered if Lempster may be willing to help build up the deteriorated side of the road by supplying material or equipment. Dianne Craig stated that she did not think Lempster needed to contribute funds as this project has been an ongoing Goshen project. She added that in the past, Kevin Bevilacqua had gone to Lempster and asked permission for Goshen to use Lempster's side of the road. She suggested reaching out to the Lempster Board of Selectmen to ask permission for Goshen to use the Lempster side and also to find out if the Lempster Coach Road on the Lempster side has been declared an emergency lane. Alicea Bursey agreed that communication through the Selectboards should take place. The Board asked Melissa Salinardi to reach out to the Lempster Board of Selectmen by email.
- **Rands Pond Road:** Shae shared that the turn around driveway that has been previously used by the Highway department on Rands Pond Road has new owners and is now not usable. He added that he spoke with another property owner on the other side of the road and was given permission to turn around in their driveway; however, the location of the new driveway is much narrower and turning the Highway vehicle in this tight space has been difficult. Shae stated that the owner would be willing to take trees down for more room and Shae suggested that the Town consider assisting in this expense. Dianne Craig asked if this was an issue for the Fire Department as well. The Board agreed that the Highway Department could not take the trees down themselves and that the cutting of the trees would need to be a third party vendor. The Board was unsure if this was necessary and asked Shae to gather more information and speak with Ryan Hall, Fire Chief, to determine if this was an issue for the Fire Department as well. No actions were made at this time.

ADMINISTRATIVE ASSISTANT UPDATE

- **Distinguished Elder Position:** The walking cane designated for the "oldest citizen in Goshen" has been returned to the Town and needs to be passed on to the next oldest citizen in Goshen. A few names were suggested and will be confirmed by the Administrative Assistant. The Board discussed the possibility of presenting the walking cane during Town meeting once the designated person has been confirmed.
- **Library Update:** Melissa reported that a signed contract agreement with the contractor for the Library basement repair project, as stated in the 2023 warrant article, was received from Bonnie Belden.
- **Contract Signing:** The Board signed a renewal contract agreement with the currently used mapping company, CAI Technologies. No concerns were made.

NEW BUSINESS

- **Employee Compensation:**

Dianne Craig requested to go into non-public session to discuss an employee matter.

Dianne Craig motioned to go into Non-Public Session under RSA 91-A:3, II (a), “the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.” Alicea Bursey seconded the motion. All were in favor-yes; motion carried, 2-0.

The Board entered non-public session at 7:48 p.m.

An employee matter was discussed.

The Board invited ShaeDel Simino into the Non-Public Session at 8:09 pm.

Dianne Craig motioned to come out of the Non-Public Session at 8:27p.m. Alicea Bursey seconded the motion. All were in favor-yes; motion carried, 2-0.

A conversation regarding time management was discussed. The Board agreed to assign different Board members for immediate contact to both the Road Agent and the Administrative Assistant for time-off requests and other immediate actions.

- **PD Gun Policy:** Based on a recent invoice the Board was curious to know what the PD Gun Purchasing Policy was for Goshen. Dianne Craig will reach out to Chief Andersen and provide information to the Board.
- **2024 BOS Meeting Schedule:** The Board reviewed thier schedules for upcoming meetings. The January and February Board of Selectmen meetings are as follows: January 15th – Work Session; January 22nd – Regular Meeting; January 23rd – Election Day, tentative Work Session; February 5th – Work Session; February 12th – Regular Meeting; Februay 26th – Regular Meeting.

BOARD OF SELECTMEN UPDATES

- **FEMA:** Dianne Craig reported that Goshen will receive a new agent within the next few weeks. She also stated that a quarterly report is due and will be submitted by herself and the Administrative Assistant. No other updates were given.

NEW BUSINES

- **Backpack Program:** Alicea Bursey shared that resident, Sebastian Zyzdorf, is looking for a drop-off location for donation of items to underprivileged families. The Board thought that the School Board may want to also be involved. No actions were made at this time. Alicea Bursey will gather more information regarding the program.

OLD BUSINESS

- **Handbook:** Will be discussed during a future work session.
- **Performance Reviews:** Will be discussed during a future work session.

- **Property Concern/ZBA Inquiry:** Alicea Bursey shared her conversation with NHMA in regards to multi-family homes and building codes. The Board agreed to pass the information along to the ZBA and the meet with the Building Code Enforcer during the January 15th work session to discuss next steps.
- **Property Concern (Cease and Desist):** This item is on hold until the spring.
- **Budget Review:** The Board reviewed the end of the year budget report and noted a few lines that needed addressing. The Administrative Assistant will review the budget and make the appropriate changes.

STANDING ITEMS

- **Veterans Monument Repair** – No updates at this time.
- **Planning Board Update** – No updates at this time.

Alicea Bursey motioned to adjourn. Dianne Craig seconded the motion. All were in favor-yes; motion carried, 2-0.

The meeting adjourned at 9:37 p.m.

Respectfully submitted by Melissa Salinardi

NOTICE

Board of Selectmen Special Meeting

The Board of Selectmen will meet on **Friday, March 15, 2024**, to ratify minutes from January 8, 2024.

Location: Town Hall
Time: 5:00 pm