

TOWN OF NEW BOSTON
New Boston Select Board Meeting

May 22, 2023

APPROVED

In attendance at New Boston Town Hall: Donna Mombourquette, and William McFadden
Staff present: Paul Branscombe, Town Administrator

A. CALL TO ORDER: A meeting of the Board of Selectmen was called to order by Chair Donna Mombourquette at 6:00PM beginning with the Pledge of Allegiance.

Requests for Non-Public, per RSA 91-A:3, II(l)

Donna Mombourquette moved to enter into Non-Public per RSA 91-A: 3, II(l) at 6:01pm. Seconded by Bill McFadden.

Roll Call Vote: Donna Mombourquette – aye; and William McFadden – aye; 2-0-0 motion carried unanimously.

Kary Jencks entered the meeting at 7:02pm.

Donna Mombourquette moved to exit Non-Public session at 6:33pm. Seconded by William McFadden.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

The Board resumed its regular session at 6:35pm.

Donna Mombourquette explained that during Non-Public Session, the Board discussed naming Zane Merva as a Planning Board alternate member. The Board received Town Counsel's opinion on this matter.

Kary Jencks stated that she would like to discuss a streamlined process for applications to Town boards/committees. The Board would like to make sure that each board/committee provides a recommendation for applicants that come before the Select Board. She suggested a documented system to make sure there is oversight for this process.

Donna Mombourquette moved to allow Zane Merva to be sworn in as an alternate to the Planning Board, as he was previously appointed by the Select Board.

Seconded by Kary Jencks.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Peter Hogan noted that the Select Board directly ignored the recommendation of the Planning Board on this matter.

Donna Mombourquette stated that the Board also discussed Facebook posts made by Ashley McQuade during Non-Public Session. Those posts were not related to Planning Board or Town business matters. Per RSA 673:13, removal of a board member is only allowed if that board member displays inefficiency, neglect of duty, or malfeasance in office. This matter does not

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meet those requirements. Ashley McQuade is not required to recuse herself from matters unless meeting the definitions in RSA 673:13. Donna Mombourquette stated that free speech is allowed by any board/committee member in Town. It is not for the Select Board to decide this matter based on a police report filed by a citizen. That is a civil matter over which the Board has no jurisdiction.

Bill McFadden stated that this was an unfortunate situation. Legally, the Board has no jurisdiction to make a remediation on this item or remove the board member in question. He does find what occurred to be inappropriate.

Kary Jencks reminded all Town officials, and board/committee members that there are basic rules of conduct when interacting with townspeople. She suggested that people stay off Facebook. The current Select Board is committed to running meetings with decorum and would like the public to feel comfortable coming before it, knowing that it will also be met with decorum.

Donna Mombourquette stated that the Board does not regulate free speech in the public sector. She noted that social media can conflate private opinions with public standing. This matter put the Board in a difficult position.

Donna Mombourquette moved that all issues related to the Facebook posts and related matters in this case, are civil matters and shall not be further discussed, nor public comment be allowed after this evening, due to the lack of Select Board jurisdiction over these matters. This is done with legal representation from two municipal attorneys. Seconded by William McFadden.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Consent Agenda- The Selectmen reviewed the May 22, 2023 consent agenda.

Kary Jencks moved to approve the May 22, 2023 consent agenda items including payroll, Accounts Payable and other signed official documents. Seconded by William McFadden.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

1st PUBLIC COMMENT:

Donna Mombourquette stated that this is a business meeting of the New Boston Select Board. Comments and feedback are welcomed but because this is not a public forum or public hearing, comments will be on the agenda items only. Dialogue or answering of questions will not be part of the meeting. Should you have an issue you wish to discuss, please communicate with the Town Administrator who may resolve your issue or potentially schedule your appearance before the Board at a later date. The Board appreciates your understanding and cooperation.

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Jody Vaillancourt, 52 Fieldstone Drive, asked if members of the public were going to be allowed to speak to agenda items #2 and #3 this evening. Donna Mombourquette stated that she agreed with the opinions of two other Board members that agenda items #2 and #3 should be allowed to proceed, as Town Administrator Branscombe allowed them to be placed onto the agenda.

Jody Vaillancourt read a brief statement: "Pertaining to agenda items #2 and #3, I am aware of specifics regarding these agenda items based on my attendance at the Planning Board meeting on May 9, 2023. Information that was discussed in a previous Non-Public Session of the Select Board was shared publicly at this meeting. Regarding item #2, I find the complaint about social media posts interesting, as the constituent who is complaining has been guilty of offensive and unprofessional posts herself while she was seated on the Select Board. I truly hope the Board does not seriously consider any action regarding this complaint. It would set a dangerous precedent, as past seated and currently seated officials post on social media as well. I am also interested to see if current Board member McFadden recuses himself from this discussion, as the agenda item has been brought forward by his spouse. Regarding item #3, again I am aware of specific information discussed during Non-Public Session of the Select Board as a result of the Chair of the Planning Board's comments during Public Session at their May 9, 2023 meeting. While I certainly cannot speak to his intent, I can definitely understand how Ashley [McQuade] would have felt incredibly uncomfortable by Kaleb [Jacob] being seen leaving the meeting and then reappearing to open the door for Ashley [McQuade] over an hour later and confronting her at the conclusion of the April 11, 2023 Planning Board meeting. The fact that Karen [Scott] publicly stated to Peter [Hogan], the Chair, when asked what the reason for her attendance and her reply was 'because someone has been talking shit about the NBTA' speaks to intent, IMHO [in my humble opinion.] Intimidation of an appointed board member should not be tolerated in New Boston ever. The fact that the Chair of the Planning Board publicly admonished this woman for reaching out to the Police Chief when she felt uncomfortable or unsafe is inexcusable. I am hopeful that the Select Board is considering the legal ramifications of the discussion had by the Planning Board at the May 9, 2023 meeting. In addition to discussing nonpublic information in public session, the Chair of the Board made several slanderous remarks toward another member of the Board. The last comment I would like to make is to point out what I consider to be an inappropriate participation in this same discussion by a Town employee. The Town employee is advisory only to the Board. The fact that this employee was allowed to publicly chastise a member of the Board for her social media posts is inappropriate and unacceptable. I respectfully request that the Select Board address these actions that took place at the Planning Board meeting and ensure that this type of behavior never happens again at a New Boston committee or board meeting. Thank you for your time."

Amy Jacob, 22 Fraser Drive, and spouse of Kaleb Jacob, stated that, unless someone has watched the surveillance video and read the complete police report, that person should reserve their opinions. She has done both. She has also been married to Kaleb Jacob for over 20 years and has never found him to be aggressive or confrontational. To date, the person who filed the police report could have watched the surveillance video and read the entire report but has yet to apologize to Kaleb Jacob for the incorrect and inaccurate statements she has made. Amy Jacob stated that she is concerned for the Board, as there were statements made in email by Donna

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Mombourquette which alluded to Kaleb Jacob already being guilty, before having seen the full police report. These emails never mentioned “alleged behavior,” or “behavior that rose to a concern,” instead they spoke of guilt and the removal of Kaleb Jacob from all future public meetings. While she understands protecting women, what was alleged to occur in this case, did not happen. The fact that there was no curiosity expressed or interest to protect the innocent is disturbing. This could be seen as a civil liberties violation. Even after reading the police report from Chief Brace, Kaleb Jacob was still being named as a guilty party, even though the events in question did not happen.

Kary Jencks stated that she believes it is important that the surveillance cameras have been installed in Town Hall. She suggested a policy and procedure be put in place, if a situation arises, in order to review this video prior to complaints being filed. As the surveillance video tool is now available, it should be utilized in the proper manner to ensure viewing prior to complaints being filed.

Donna Mombourquette stated that the Board would not litigate this issue in this meeting. She cautioned people that this is not a hearing board and that there are differing viewpoints and opinions on this matter.

Meghan Tewksbury, 17 Wright Drive, stated that she was disappointed at a previous Planning Board meeting, regarding the behavior of that Board. She often sees Facebook posts related to concerning matters, where the public response is to contact the Police Department. It is the Police Department's job to ensure public safety. At the Planning Board meeting that evening, the opposite message was given by the Chair. He instead suggested removing the board member in question because she decided to engage the Police Department because she felt unsafe. One cannot decide for someone else if that person feels unsafe. The Planning Board Chair publicly sent a message to the community that evening that was inappropriate. The Chair is entitled to believe what he wants about the incident but the public stance he put forth could be seen as dangerous to women. Planned confrontations after meetings are not acceptable or normal. The Select Board could show that this sort of backlash will not be tolerated.

Ashley McQuade, Chestnut Hill Road, stated that she filed the police report based on conversations with Town Administrator Branscombe the day after the Planning Board meeting. She did not see the surveillance footage or receive the full police report until last week. That is irrelevant. She felt as she did at the time and decided to file a police report. To say what occurred did not happen is inaccurate.

Peter Hogan stated that he has no large issues with the banter that Ashley McQuade has with others on Facebook. His issue is the fact that the police report she submitted is exaggerated. He noted that he and Kary Jencks were in Town Hall when the alleged incident took place, and no one came to them with any concerns that evening. If someone had come to him, he would have been able to control the issue. He stated that he was appalled by Kary Jencks’ suggestion that surveillance footage should be reviewed to make sure that it matches the police report. Kary Jencks stated that that is not what she was trying to imply. Peter Hogan stated that he read

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Ashley McQuade's police report and then read the report from Chief Brace, which shows an issue with Ashley McQuade's credibility. He stated that he is sure he can work out work this out with Ashley McQuade on the Planning Board. The Planning Board deals with differing opinions all the time but now there is an issue with the Planning Board's credibility through this matter.

Peter Hogan stated that he does not understand why the Select Board appointed Zane Merva as an alternate. The Planning Board made clear what its recommendation on this item was. The process was only broken down through Donna Mombourquette. He stated that he felt the Select Board was trying to design mayhem into this process. He stated that the Town boards are supposed to work together. When Donna Mombourquette rolls her eyes and sighs during meetings, it sends a message to everyone. This is disrespectful and condescending. He noted that confrontation can be common during meetings and, if the Select Board took more public comment during its meetings, maybe it would notice this. Members of the public are not allowed to have dissenting opinions during Select Board meetings. The Planning Board hears all sides and rules based on ordinances. He suggested that the Select Board try to do the same.

Joyce Arivella, 37 Riverside Drive, stated that she was incredulous that people say others should be kind and not intimidate people, but once those same people are behind the keyboards they rip people apart. These people continue to attack others but somehow that's okay.

Karen Hogan, 39 Scobie Road, asked Kary Jencks about her comments regarding reviewing the surveillance video before filing police reports. Kary Jencks stated that she is at the heart of this incident and other items leading up to this incident. This initially came about as an attack on her and her family. She originally made a comment on Facebook and then left the discussion. She did not ask anyone to defend her and did not know that mayhem would ensue. She cannot have an opinion on the incident that occurred after the Planning Board meeting. Her previous statement was that surveillance video is a new tool for Town Hall and she would like the Policy Committee to consider how best to utilize the video properly. She wants everyone to feel safe and heard if an uncomfortable situation occurs.

Karen Hogan stated that she has a good deal of experience in policies and utilizing surveillance video. To utilize this video based on opinions and thoughts will undermine the Board and the trust with the public. An investigation cannot be conducted without a formal complaint. Kary Jencks stated that this is why she believes the procedure should be reviewed by the Policy Committee. Karen Hogan agreed.

Peter Hogan stated that Chief Brace's report and the surveillance video were available to be used to determine if the charge against Kaleb Jacob was correct. These showed that the original police report was exaggerated and false. Donna Mombourquette stated that the Board was not going to litigate the police report during this meeting.

Peter Hogan asked Kary Jencks if she believed that the number of cars at Town Hall during the Planning Board meeting in question were here for a potential altercation with her. Kary Jencks stated that she cannot comment on that question. Peter Hogan stated that, as the Planning Board

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Chair/a person, he categorically denies the assertion that he does not feel women's safety is important. He would defend women, and any woman on the Planning Board can testify to that. No one should ever feel the need to intimidate anyone, including Ashley McQuade. Donna Mombourquette stated that the Board would be closing the public comment session at this time. Peter Hogan stated that the Board needs to thoroughly vet this subject. He noted that the Board is trying to bury this situation but that it will not go away. Donna Mombourquette suggested that Peter Hogan feel free to talk to Town Counsel about this issue. Peter Hogan asked who puts forward the questions to Town Counsel. Donna Mombourquette stated that Peter Hogan can reach out to Town Counsel directly. The Board will continue to use the guidance of municipal attorneys regarding its role in this matter.

Seeing no additional public comment, Donna Mombourquette closed the first session.

APPOINTMENTS

Item 1: New Boston Baseball Program Representatives-Request for Acceptance of Donation

Ryan Tewksbury, Baseball Director for the Town, stated that some of the coaches have allocated funding for an electronic scoreboard to be placed at the Old Coach fields. This is proposed to be donated to the Town, contingent on the Recreation Department approving a plan to install it.

In response to a question from Kary Jencks, Ryan Tewksbury stated that the scoreboard is not solar. The labor and materials to install the scoreboard are also to be donated.

Bill McFadden noted that, once installed, the cost to the Town will be through the electric bill and replacing bulbs in the future.

Donna Mombourquette moved to accept the electronic scoreboard donation, with the understanding that all labor and materials have been donated; the cost of power, light replacements, etc., will be covered by the Recreation Commission and/or coaches via donation. Seconded by Bill McFadden.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Item 2: Karen Scott-Discussion of Planning Board member Ashley McQuade's Facebook posts against members of the public and the New Boston Taxpayers Association

Karen Scott, 110 Dane Rd and Secretary of the NBTA, read a statement and included additional comments:

“So, the purpose of my request to appear before the Board is to discuss in person and to get further information regarding my initial complaint dated April 23rd against Ashley McQuade and her inappropriate social media behavior towards the NBTA and its members, other citizens of New Boston, and a variety of other people posting on New Boston related sites. As I have stated in my previous correspondence, I am a firm believer in the United States Constitutional Rights, including a person's freedom of speech. However, when you are a Town employee, whether that

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be paid or volunteer position, there has been, and I would presume still is, a certain level of professional standards and decorum that should be followed.

I filed my complaint on April 23rd. I received a response from Paul [Branscombe] on April 25th that the Board had reviewed my complaint and found nothing in the social media posts that have anything to do with the business of the Planning Board. When I asked for copies of the written Select Board responses, I only received Donna's [Mombourquette] response and most of the email reply was redacted. While I understand that Jenn Brown had terminated her seat at this time, I received no reply from Kary [Jencks]. So, as I stated in my email dated April 30th, I have a few questions that have yet to be answered.

1) Donna's [Mombourquette] initial email reply was heavily redacted. If this was a reply to my initial complaint, how would this paragraph not be relevant to the question at hand? Is it common practice for Select Board members to address multiple topics under the guise of one email and within the same paragraphs?"

Donna Mombourquette stated that this is the case. Karen Scott stated that she does not believe this for a second. Donna Mombourquette stated that she can go to court then.

"2) I am curious why there was no response from Kary [Jencks], and I question as to whether this is common practice that only the Chair answers citizen complaints? As I stated, I trust that each Select Board member gets equal notice and input into citizen concerns. So, has it been or is it currently common practice for only the Chair to address citizen concerns?"

Donna Mombourquette noted that the Chair was answering an email from Town Administrator Branscombe, not from Karen Scott directly. Karen Scott stated that Donna Mombourquette should either make herself available to answer questions or not. Donna Mombourquette stated that Karen Scott can always come before the Board to ask the questions. Kary Jencks stated that she has no recollection of the email in question. This may be because she was new on the Board at that time. Karen Scott stated that the emails have been going on since April 23rd and she has yet to receive a response. Donna Mombourquette stated that the response was just publicly stated, and a motion was taken to that effect.

Karen Scott continued with her statement, "Now, relative to Ashley McQuade and her social media posts and now at this point, her public conversations, I take issue with many things she has stated, and continues to state. I presume you were handed copies of the social media posts against a variety of people on various social media forums."

Karen Scott asked if the Board has read these items. Donna Mombourquette stated that she has but has also read them within the context surrounding them. Kary Jencks and Bill McFadden stated that they read the copies. Karen Scott stated that we may have all had our moments on social media that have not represented our finest moments, however, not as a Town representative. Karen Scott stated that, contrary to Megan Tewksbury's comment, before and

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after she was a Select Board member she may have posted these types of comments on social media, but not while she was a member.

Karen Scott continued with her statement, “At the last Planning Board meeting, there was a conversation outlining concerns for Ashley’s [McQuade] behavior and how it effects the integrity and confidence that people will perceive of the New Boston Planning Board, how they might be affected when coming before the Board with their own plans that need approval. Ashley’s [McQuade] comment to this conversation was ‘I understand that, but I also specifically don’t name call or say and do anything unprofessional. I am definitely direct. Um...but I also don’t do anything because I am well aware of it being printed and shown. So, anything I posted I stand by and that’s why I don’t think that it’s unprofessional to call out the things that have been happening in Town.’ I would say that calling a pastor, who recently moved to Town, a bigot, for not following her open religious philosophies, name calling and truly unprofessional. I might be old school, but I wouldn’t be alive today had I ever said anything like that about a person of the cloth – my father would have hung me out to dry. Ashley’s [McQuade] Easter post stated... ‘Several NBTA members who are upset their candidate lost have begun openly harassing our newly elected Select Board member and plan to attend meetings demanding her resignation.’ This is a bold-faced lie. Not one NBTA board member made a post asking for this type of behavior to occur. Yet, because she presented it as fact, the world was upside down and went on the attack of a group of people who had nothing to do with this.

Donna Mombourquette asked if Matthew Crow is the administration of the NBTA Facebook page. Karen Scott stated that he is not. Ashley McQuade stated that he is. Donna Mombourquette stated that it shows up that way and she has seen this herself. Karen Scott stated that the NBTA Facebook page has nothing to do with the NBTA, as anyone can join it. Many people are on the page that are not members of the NBTA. Matt Crow has nothing to do with the actual NBTA. Ashley McQuade stated that he has been an admin and moderator since April 2018. Karen Scott asked if the Board is taking public comment at this time.

Karen Scott continued with her statement, “She furthered the inaccurate post by posting after the meeting... ‘Not a voice was raised because Kary [Jencks] had a room full of supporters and a police officer was present. Apparently, they only like to raise their voices when they’re the only ones in the room.’ Seriously, perhaps Ashley [McQuade] should actually attend the variety of Town meetings that the NBTA members are part of or attend on a regular basis. We have been very vocal for years. Up until the current Chair stopped all dialogue at the Selectmen’s meetings, we had a very good rapport with many of the previous Select Board members and could come in and have adult conversations, ask questions, and provide insight to many topics. I have never known any NBTA member to shy away from conversation just because members with opposite viewpoints were present. I would agree with her that it’s ok to speak of factual things happening, not ‘I thinks,’ not ‘hearsay,’ not ‘my opinions,’ not ‘assumptions without facts and confirmations.’ That is inappropriate.

Lastly, if Ashley McQuade wants to accuse people of harassment, she should probably only speak of factual content and not make up her own assumptions without facts. At the May 9th

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Planning Board meeting, my initial complaint as well as an incident that occurred between her and Kaleb Jacob at the April 11th Planning Board meeting, was discussed. Ashley [McQuade] specifically makes the following statement: 'Kaleb [Jacob] & Karen [Scott] attended the meeting and when asked what their business was, Karen [Scott] said "That I (Ashley) was talking shit about the NBTA, so obviously that is an intimidation tactic to show up. They left 20 minutes into the meeting & when I was walking out by myself, Kaleb [Jacob] was waiting in the lobby and demanded to know who I was and why I was posting about him on-line, so I filed a police report.' Further into the conversation, Ashley [McQuade] is having a debate with board members as to what I stated as to why I was there. She states, 'It proves intent as to why they were here.' I do not remember the exact wording as to what Kaleb [Jacob] stated as to why he was there. However, I do know that I stated, 'I was there because someone from the board was talking shit about the NBTA, I didn't know who she was and wanted to see who it is.' Peter [Hogan] asked, 'From this board?' and I stated 'Yes.' He asked who, I stated 'Ashley McQuade.' I had no idea who she was, and this is why I went to the meeting. Second, Kaleb [Jacob] left about 28 minutes after the meeting started at around 7:01pm. (She states later that Kaleb [Jacob] left around 6:20pm – the meeting didn't start until 18:35 or so.) I left the meeting at 7:15pm as I had another meeting to attend. Facts matter – on all fronts. What I find interesting about Ashley's [McQuade] comments is that she kept trying to outline what I said. However, Ashley [McQuade] was not in the room and the conversation was not caught on the live stream. So, how does she even know what was said? Her comments are pure speculation. Obviously, someone who was at the meeting told her I was asked why I was there, but they too, got it wrong. Bottom line – First and foremost, I would request that Ashley McQuade stop spreading lies, false accusations, and inaccurate depictions of things that she continuously reports to be truths. Secondly, as a member of two different town committees/boards (Planning Board and Economic Development Committee) I would respectfully request her removal from said boards as a direct violation of the Town's policies governing town employee behavior.'

Karen Scott stated that it is disgraceful that the Board already made up its mind regarding removal of Ashley McQuade from the boards/committees without first hearing from the public, as there were already two agenda items on this topic. There is a Town policy that should be followed.

Karen Scott stated that, regarding reviewing the surveillance video before filing the police report, the surveillance video was reviewed, and nothing was seen in it. The video did not match the statement made by Ashley McQuade. Is it possible that Ashley McQuade felt intimidated? Possibly, but this was not seen on the video. Karen Scott stated that she finds it concerning that the Board appears to be protecting one person whose police report does not match the surveillance video. Chief Brace's report details what did happen that evening, yet the Board continues to allow Kaleb Jacob to look like the aggressor in this situation. That is inappropriate. She is okay if the Select Board decides to keep Ashley McQuade on the Planning Board, if that must legally be done, but it is up to the Board to own up to the inaccurate representation that has been made of a fellow citizen.

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Donna Mombourquette stated that the Board will act as one Board and there will be no public comments made regarding this case. Karen Scott asked how the Board can allow Ashley McQuade's implications to stand. Donna Mombourquette stated that this is a civil matter. Karen Scott suggested that the surveillance video be posted. Donna Mombourquette stated that the surveillance video will not be posted and may not even exist at this point.

Peter Hogan requested that the statements made by Donna Mombourquette and Ashley McQuade regarding the NBTA Facebook moderator be placed into the record. Donna Mombourquette noted that Ashley McQuade was out of order in making those comments. Peter Hogan stated that Donna Mombourquette agreed with Ashley McQuade's comments.

Item 3: Kaleb Jacob-Complaint Regarding Planning Board Member

Donna Mombourquette Stated that she understands Mr. Jacob's concern regarding his reputation, but she believes the Police Department has determined that there was no wrongdoing on his part.

Kaleb Jacob read the following statement: "I am here before the Select Board to inquire about the status of my complaint against a Planning Board member dated April 28. I am passing out an information packet with this statement, my original complaint, a public Facebook post, and an e-mail to the Town Administrator describing our interaction on the evening of April 11, after the Planning Board meeting at Town Hall. I am also providing additional information which you may or may not already know. The Planning Board member in question made additional statements at the May 9th Planning Board meeting where she used my name several times in this public session. Here are some of the statements that came from that meeting from the Town Hall Streams video. 'Kaleb was waiting in the lobby and demanding to know who I was and why I was posting about him online, so I filed a police report.' 'It was completely ridiculous behavior from an adult man. He has seen me at countless Town events and never approached me and he knew exactly who I was because he showed up at the meeting.' I have never interacted with her at other Town meetings. the Planning Board meeting on April 11 was the first time I was sure who she was as she was identified by a name badge on her desk. Prior to that, I was never certain who she was. She stated that I was standing 'very close to me in the foyer.' Even the police report made note that I was relaxed, leaning against the counter, legs crossed, hands on my hips. She chose her distance from me. She said that I was there to intimidate her based on a statement that another member of the audience made, something she was not present to even hear. I did not arrive, nor leave with the person she referenced. Over the years, I have attended several Planning Board meetings without business before the Board. 'It's clearly intimidation and harassment so I filed the police report. He had no business before the Board.' The last part of this statement is significant, and you will hear it later in my statement. At the end of the interaction, she said, 'he said do you know who I am, she said yes, and he said good and walked to his car.' This is not accurate. The witness even heard me ask if she knew who I was when I first made contact with her in the hallway and heard my parting words as being, 'I just wanted to make the introduction.' One of the most difficult parts of this meeting is when one of the female Planning Board member said that she was uncomfortable with it being okay with someone 'getting up in someone's face and, as a woman, she would be very intimidated if someone came into her space and started

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talking in an aggressive way.' The Board Chair said to this person, 'you just painted the picture of a person up in her face based on her word would make you uncomfortable and would be horribly wrong.' He continues, 'so she is painting the person who allegedly confronted her as intimidating and whatnot and the Chief sees it as not true.' It is hard to take to have a public official be able to make a false accusation then see how uncomfortable a third party is about the object of the issue, being me. The last thing I want is to make anyone feel uncomfortable. It was never my intent, and to experience how orchestrated this was, which includes the Chair of the Select Board, has convinced me that this was a hit job on me personally and that facts do not matter. Perceptions will always cause a third person to wonder what really happened. Being free to say such things about another person keeps the odor on the target.

The video of the May 9th Planning Board meeting is here, scroll to 50 minutes 17 seconds in. *QR code included.* Based on the video footage of the May 9th Planning Board meeting and the footage in the lobby compared to her statements and especially the police report she filed against me, I believe that any reasonable person would suspect her testimony as being untruthful. For that reason, and what became an unfounded personal attack against me for whatever reason she may have had, I object to her representing New Boston's citizens at any level and I ask that she be relieved of her position on the Planning Board, the Economic Development Committee, and any other boards or committees that she may be on. Allowing her to make such false statements about another resident projects an image that the Town of New Boston condones the mistreatment of its citizens because of their opinions or affiliations.

I am also asking why the chair of the Select Board attempted to file this complaint with the Police Department against me on her behalf on the evening of April 11, before she knew what actually happened. It is apparent that when this did not have traction after the review of the video, nearly 48 hours later, she filed this complaint on her own. Why did the Chair pass judgment so early on when only one side of the story was given to her, apparently directly from the alleged victim herself immediately after I left Town Office that night? Where did the principle of innocent until proven guilty go in this Town? Probably right out the window with the First Amendment, freedom of speech, which has evaporated from these Select Board meetings. The Select Board Chair went as far as suggesting that I was bullying a public official and classified this as a physical confrontation. The Chair suggested that I not be allowed to attend public meetings if I have no official business before the board. Where did this mentality come from? She even suggested that I may also subject another Select Board member with 'physical confrontation.' I have had words put in my mouth before, but for a person in a position of such power in this Town to speculate like this is reckless and all of us should be concerned about it. What kind of a picture does it paint when a second Town official, being the Chair of the Select Board, uses language like this to describe me well before the video was viewed?

From the police report: the alleged victim reported Kaleb only stayed at the meeting a short time, leaving about 30 minutes in, and then waited in the foyer nearly 1 1/2 hours until she was alone and leaving. The video and the police report completely refutes this statement. She said that besides, one witness, we were alone in the foyer. There were as many as five in that small area and according to the video no one looked in our direction, which suggests that there were no

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raised voices or commotion. It simply did not occur. A witness situated 6' from both her and I said that the last thing I said to her was, 'I just wanted to introduce myself.' The following statements are from a police report and communication from the Select Board Chair, but these were omitted in a 91-a Right To Know Request that I submitted to the Town.

I am sorry to have called you... didn't realize you would be sleeping. I know you and I have had conversations about FB posts by members of committees, elected officials. The unfortunate 'suppression of free speech' as one assumes these positions is understood and Ashley and I have conversed about this. I have revealed reviewed multiple posts and do not see anything that would rise to the level of Mr. Jacob's reaction. It was inappropriate. Is this what people should expect from him if he has an issue with their FB dialogue that he initiates? Will Kary be met with the same physical confrontation which was 'threatened' to occur at the previous SB meeting?

At 1220 hours, she added: *It may be helpful if he meets with both the chief and you, Paul, so the information re: his behavior is completely understood. No official should be going to a meeting anticipating that he/she will be confronted. The reason for the cameras are to help deter this behavior yet Mr. Jacob engaged in this behavior anyway. He should be warned or not allowed to attend meetings for the near future. He can observe them, write to you or anyone else and not be present. Sitting in the room with no business before a committee, commission or board is not required. If he has specific business before these entities of course he should be allowed to participate. Consequences for such behavior is warranted in my opinion. Bullying of public officials must be curtailed.*

Omitting such information on an official 91-a request is a violation of law. Barring a citizen from a public meeting just because they have no official business in such meeting. Think about that.

The photo below shows a still shot of my interaction with the alleged victim. The QR code is a link to the entire video *QR code included*. In conclusion, I am asking the Select Board to review the material provided so you have a full understanding of what actually occurred on the evening of April 11. This was an attempt to clear the air with someone that had been very publicly vocal against me. As I have done many times, I have been able to find common ground with people that I don't agree with. Not doing that in my opinion fosters more discontent, which sadly I have seen in this town firsthand. I have also made friends out of people I disagree with and come to a mutual respect and understanding with some others. That is no secret about me in this community. This exercise, or incident, has really given me a wakeup call. It is no longer okay to reach out to people that disagree with you. Whatever fog has covered our country over the last several years has arrived in New Boston and it is not healthy.

Donna Mombourquette stated that she is not sure why her comments to Town Administrator Branscombe are underlined. At that time, she was responding to a call from someone who was very upset and had not yet seen the surveillance video. She has learned she cannot offer a written opinion on this matter. She apologized to Kaleb Jacob if she said anything out of line. She was speaking about an incident as it was characterized to her from a very upset person. What was written was how she felt in that moment. She never suggested that the individual file a police report, though other people did.

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Kaleb Jacob read a social media post against himself made by Ashley McQuade. He explained that the reason he was at the meeting after he originally left was because he had to jump his wife's car. He stated that he is okay with decorum on the Board and members not offering an opinion, but the surveillance video raises a question. He believes this was a hit job on him. Donna Mombourquette stated that there is no sound on the video. Kaleb Jacob stated that someone standing 6' away did not hear anything between himself and the person who filed the police report. He has learned his lesson and he will not try to work out his differences with people anymore. There are always three sides to each story period to jump to judgment on either side can cause pain. He stated that he apologized for any pain he has caused Kary Jencks. Donna Mombourquette apologized to Kaleb Jacob for any disparaging remarks she may have made about him in public. She stated that he has always offered great perspectives on issues. This is an unfortunate situation and can only be resolved between himself and the other individual.

Bill McFadden noted that the Board has no legal standing to take action on this matter. He stated that he believes the issue to be disrespectful and not right. He suggested that all board, committee, staff, volunteers of the town be better.

Item 4: Chief Fraitzl, Chief Plourde and Asst Chief Dubreuil: 2024 Fire Station Planning and Yukon Disposal

Chief Fraitzl stated that the intention is to dispose of the existing Yukon using municibid.com.

Donna Mombourquette moved to approve of the disposal of the Yukon by the Fire Department. Seconded by Bill McFadden.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Chief Fraitzl stated that the Fire Department would like to move forward with another attempt at a new Fire station. The Department would like to see a group formed to review options for this. Donna Mombourquette explained that the Select Board got involved because the Fire Station is a Town asset. For the Fire Wards to take the lead on this item without significant Select Board involvement would be strange. Having a group co-led by members of the Department, Select Board, and community members is a good idea. Bill McFadden volunteered to be the representative from the Select Board.

New Business

Item 5: Health Insurance Cost Sharing Proposal

Jennifer Allocca noted that HealthTrust, the Town's medical and dental provider, is proposing to increase its rates. The Board reviewed these rates.

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Bill McFadden stated that he believes these are significant increases. He asked if the Town saw a lot of claims last year. Town Administrator Branscombe stated that there were several that contributed to this.

Bill McFadden asked if the Town shopped around for an insurance provider. Town Administrator Branscombe stated that there are only three potential providers, SchoolCare Interlocal Trust, and HealthTrust. The Town could also go into the brokerage market for insurance. He stated that it would not be wise for the Town to consider moving to a different insurance provider during this default budget. Bill McFadden asked if the Town went out to bid for this item with the three providers. Jennifer Allocca stated that the Town previously moved from SchoolCare to HealthTrust. The Town did not bid this item out as it was previously with SchoolCare.

Kary Jencks asked Chief Brace for his feedback on this item. Chief Brace explained that he was part of the committee in 2014. When the Town switched from SchoolCare it established caps that the Town would pay for employee plans. The caps have not changed in five years. When the Town switched to Health Trust two years ago, the Town lowered this line item by approximately \$75,000. He noted that in FY22 the Town already added seven new employees into the insurance plan, which was a huge cost driver.

Bill McFadden moved to cap the change to \$25,000 for the Town's cost for employee health care; anything above that number will come back to the Board for review.

The Board agreed to table this item to later in the meeting when actual numbers would be available.

Old Business

Item 6: Approval of Public Meeting Minutes of May 8, 2023

Kary Jencks moved to approve the meeting minutes of May 8, 2023, as amended.

Seconded by Bill McFadden.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Item 7: Ethics Policy - Third Read

The Board agreed to table items 7 & 8 in order to review the drafts and potentially combine them into one document. Kary Jencks also suggested running these documents by the Personnel Policy Committee.

Item 8: Conflict of Interest Policy - Third Read

This item was tabled along with item #7.

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Item 9: Town Business With Elected Officials Policy - Second Read

The Board reviewed the proposed draft policy.

Kary Jencks asked if this document has been run by the Personnel Policy Committee. Town Administrator Branscombe explained that Town policies are being reviewed by himself and Jennifer Allocca for the Board to then review and adopt/readopt. The Board is in the process of reviewing and updating all of the Town policies. There is no formal committee to review these policies. Bill McFadden agreed that it might not be a bad idea to have a second set of eyes review these policies, prior to the Board's approval. Town Administrator Branscombe noted that the draft documents are run by Town Counsel.

Kary Jencks asked if draft language for these policies could come from the NHMA. Donna Mombourquette stated that the NHMA does not involve itself with town policy and procedure. Kary Jencks stated that she would like to see the RSA information attached for these documents.

Item 5: Health Insurance Cost Sharing Proposal

The Board retook this item at this time.

Jennifer Allocca explained that the cap paid for by the Town is currently up to \$820 for a single-person's plan, \$1,480 for a two-person plan, and \$1,880 for a family plan. The request is to increase these cap amounts to \$958, \$1,728, and \$2,188 accordingly. This accounts for an approximate 16% increase across the board.

Bill McFadden moved that the Town of New Boston increase its contribution to employees' medical plans, as presented, for an overall value in FY23 to be capped at \$25,000; if this amount fluctuates over \$25,000, this will come back for the Board for review. Seconded by Donna Mombourquette.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Internal Reports

Item 10: Financial Reports Expenses and Revenues

The Board reviewed the financial reports. Town Administrator Branscombe noted that he is recommending moving the Health Agencies item out of the Welfare line. Jennifer Allocca stated that she will send out the budgets and actuals to the Departments Heads.

Item 11: Town Administrator Report

Town Administrator Branscombe stated that the Safety Committee met on May 11th. Members of the Committee conducted inspections of the Fire Station and the Wason Building. Chief Fraitzl and David Woodbury were notified of the findings respectively.

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Town Administrator Branscombe stated that he, the Chair of the Economic Development Committee, and Michael Palmer met with Guy Tino, owner of the Northeast Café, and invited him and Louis Lanzillotti to the next Committee meeting on May 18th.

Item 12: Health Officer Report

Town Administrator Branscombe stated that the Spring Conference of the New Hampshire Health Officer's Association will be held on Wednesday the 24th at the offices of DHHS in Concord.

In response to a question from Bill McFadden, Town Administrator Branscombe stated that, in the last year, he has seen an increase in welfare assistance applications from 5 to 17.

Item 13: Department Manager Reports: Transfer Station, Recreation, Fire, Highway, Community Development, Police, Building

There was discussion regarding glass aggregate systems. Bill McFadden noted that this could be a lucrative consideration for the Town.

Item 14: Select Board Reports: Donna Mombourquette, Kary Jencks, William McFadden

Bill McFadden stated that he attended the Solid Waste Advisory Committee Meeting on May 8th. There was discussion regarding the Clear Trash Bag ordinance, which will take effect on May 30th. He noted that the Town will also likely want to reorganize Town Wide Clean Up Day next year to make it more successful.

2nd PUBLIC COMMENT:

Donna Mombourquette stated that this is a business meeting of the New Boston Select Board. Comments and feedback are welcomed but because this is not a public forum or public hearing, comments will be on the agenda items only. Dialogue or answering of questions will not be part of the meeting. Should you have an issue you wish to discuss, please communicate with the Town Administrator who may resolve your issue or potentially schedule your appearance before the Board at a later date. The Board appreciates your understanding and cooperation.

Peter Hogan stated that the Select Board is unable to represent the people who vote for its members because no one in the public is able to understand anything about the meeting other than the agenda item title. He asked why the public does not have access to the meeting packet so that it can review items and comment on them during meetings. He asked if it is by design that the Board does not allow comments or questions during topics in the meeting. He stated that he believes this practice changed within the last couple of years because there used to be hyperlinks on the Town's website for the public to access the meeting materials. It would be helpful to allow members of the public to research and provide assistance on certain topics.

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Donna Mombourquette stated that she has not seen Peter Hogan at a Select Board meeting recently, but the Board decided to run business meetings instead of holding public hearings/forums, as not much business was getting done prior to that.

Peter Hogan stated that it is healthy to hear both sides of items, especially as the current Board seems divided, with half of the Town voting for one of its members and half of the Town voting for another one of its members. It would be good for the Board to get the pulse of the Town.

Donna Mombourquette explained that the Town has a full-time Town Administrator so that items can be discussed directly with him. If a member of the public still wants to address something with the Board, that person can do so by asking for an agenda item or during public comment. Peter Hogan noted that it is difficult for the public to comment on agenda items as there is no subject matter discussed by the Board during these items. The Board simply addresses each item as a response.

Kary Jencks asked if the public has access to the meeting documents, such as the budget discussed earlier. Town Administrator Branscombe stated that these will be placed on the website tomorrow. Bill McFadden asked why the public has to wait to access these documents until after the meeting. Donna Mombourquette stated that some documents can be accessed prior to meetings, but items that require action by the Board are delayed.

Palani Tellez-Giron, 42 Dougherty Lane, noted that it was mentioned earlier that Matt Crow is an administrator of the NBTA Facebook page, but he is not. He recently looked this information up. He stated that he appreciates that the Board follows the Bill of Rights and the Constitution. These were made to limit the government's power, and thus limit this Board. He stated that he has been a resident in Town for two years and is heartbroken by the divisiveness he sees. He suggested that people not engage in social media, as it will rarely change someone else's mind. Regarding RSA 641:4 False Reports to Law Enforcement, he would recommend any public official and/or citizen refrain from this. He would like to help bring the Town together and for the unhelpful banter to stop.

Susan Carr, 101 Leach Hill Road, stated that she agrees with Kary Jencks' suggestion to use the surveillance video as a complimentary tool to the reporting system.

Ashley McQuade, 216 Chestnut Hill Road, stated that in Mr. Jacob's comment to the police, he explained that he knew who she was because she was identified by Peter Hogan during a special Planning Board meeting. Thus, he did know who she was prior to the Planning Board meeting in question. When she filed the police report, she acknowledged the presence of the surveillance video. She reported on how she was feeling at the time and may have amended this later. She feels her report is being picked apart.

Palani Tellez-Giron stated that, as a board member of the NBTA, he would never condone violence or aggressive behavior from the group. He stated that he knows Kaleb Jacob personally and does not believe Mr. Jacob planned anything to do with violence.

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Donna Mombourquette stated that this is the last time the Board will speak of this issue. This is a civil matter moving forward. She thanked Ashley McQuade for sitting through this meeting and noted that it was likely very painful for her to do so. She stated that no one can get inside someone else's head and people should be respectful of all sides.

Karen Scott stated that Ashley McQuade mentioned filing her police report and stating that she had not seen the surveillance video at that time. She stated that filing a police report accusing someone of something should have evidence. While Ashley McQuade may have felt intimidated, there is a lack of details within the police report and the facts shown in the video make it difficult to believe the report. She noted that Donna Mombourquette apologized to Ashley McQuade but had no words for Kaleb Jacob. Donna Mombourquette corrected Karen Scott that she, in fact, apologized earlier in the meeting to Kaleb Jacob.

Seeing no additional public comment, Donna Mombourquette closed the second session.

Request for Non-Public per RSA 91-A: 3, II(a) and (b)

Donna Mombourquette moved to enter into Non-Public per RSA 91-A: 3, II(a) and (b) at 9:25pm. Seconded by Kary Jencks.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Donna Mombourquette moved to exit Non-Public session at 9:45pm. Seconded by Kary Jencks.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Kary Jencks moved to appoint Michael Nelson as a full-time Police Officer for the New Boston Police Department at a date to be determined by the Chief. Seconded by Donna Mombourquette.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Donna Mombourquette moved to seal the Non-Public meeting minutes for each of the Non-Public sessions held during this meeting for five years. Seconded by Bill McFadden.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Bill McFadden asked that a brief description of future non-public sessions be added to agendas. Town Administrator Branscombe stated that he would add the name of presenters, when possible, to the agenda notice items for non-public sessions.

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ADJOURNMENT

Bill McFadden moved to adjourn the meeting at 9:49pm. Seconded by Donna Mombourquette.

Roll Call Vote: Kary Jencks – aye; Donna Mombourquette – aye; and William McFadden – aye; 3-0-0 motion carried unanimously.

Respectfully submitted,
Kristan Patenaude

Next Scheduled Meeting: June 12, 2023