

Selectboard Minutes
September 26, 2023

Present: Jenn Jones, chair
Andy Artimovich, vice chair
Jon Morgan
Russ Kelly
Paul Kleinman

At 6pm, Jones called the meeting to order.

The Board signed the payroll and accounts payable summary register.

Artimovich motioned, seconded by Morgan, to accept the consent agenda which consisted of public minutes from 9/19/23, non-public sealed minutes from 9/19/23, recreation manifest, treasurer's report (found at the end of these minutes), and the following building permits:

- 3 Ponds LLC, 71 Three Ponds Drive, Plumbing
- Swati & Bryce Currier, 402 South Road, Electrical
- Daniel & Jennifer Brittan, 27 Washington Drive, Minor Project
- John Ayers Revocable Trust, 72 Middle Road, Minor Project
- SLC Realty, 266 Route 125, Building
- William & Michelle Whittier, 438 Middle Road, Building
- Douglas Reymore & Ainsley Winship, 49 Crawley Falls Road, Minor Project - roofing

All were in favor.

Jones opened the meeting to public comment at 6:03pm. There was no public comment, and it was closed at 6:03pm.

Chief Ventura, police chief, was present to request encumbered funds. He explained that his budget is currently about \$90,000 "in the black". He cited fuel savings, overtime savings because of a full staff, uniform savings, and the salary line as some of the reasons for the current status of the budget. Ventura thanked the board for previously approving two officers.

Ventura explained he would like to add a 10th officer to the department. He expressed his desire to hire a full-time certified officer before January 1 with a contract executed before the end of the year. Ventura stated it would cost an average of \$80,000 for the position which includes salary, NH Retirement, and health coverage.

Ventura would prefer the officer not be a warrant article this year. He believes it is simpler to fill the position without the use of a warrant article. He feels warrant articles could be used for other larger purchases/needs. Ventura stated he has not heard negative comments about increasing the size of the department and believes that is contributed to the residents experiencing better service and availability.

Morgan asked if hiring an additional officer would reduce overtime. Ventura responded he believed it would. He noted that outside of salaries and adding funds to the K9 line, the police budget would be level funded.

Jones asked what the gold standard rubric is for factoring the number of necessary officers. Ventura responded he is utilizing personal experience and the recommendation of the FBI's numbers to determine the number of officers in Brentwood's department. He explained the FBI recommends 2 patrol officers per thousand residents.

Jones asked if there would be zero impact to the voters. Ventura responded there would be minimal impact for the 2024 budget. Ventura added he is looking to put the new police building on the 2025 ballot.

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Kleinman asked about the historical precedent of encumbering funds instead of utilizing a warrant article. Ventura stated he has seen it be done both ways. He explained in his previous role with Wakefield, he hired directly without the use of a warrant article. Ventura added the timing of last year's request in Brentwood made sense to utilize a warrant article.

Morgan stated the residents of the town elect the members of the board to run the town. He believes the townspeople believe the board has the capability to make decisions and adding a position is in the board's purview. Jones added with a 9% inflation rate last year, it was an anomaly in how the position was added.

Artimovich stated he has seen a new position added in both ways – by selectboard decision and warrant article. He added he has never seen encumbered funds to fund a new position, however. Ventura replied that he does not believe he encumbered funds last year. He added he also was not sure it could be done. Karen Clement, Town Administrator, stated she checked with legal counsel to be sure encumbering funds for salary was allowable if the officer is under contract.

Kelly stated he was supportive of the overall plan. Jones recalled the town vote was in support of a new position at Town Meeting. She believes voters expressed their support and has not heard concerns about hiring new officers since Ventura joined Brentwood as chief. Jones feels the board would be representing the public with the decision of a new officer.

Artimovich added that in a climate where business and organizations are begging to fill positions, it is a testament to Ventura's leadership that he has people desiring to join Brentwood's police department. He believes Ventura is running a gold standard department.

Morgan motioned, seconded by Kelly, to approve a 10th position of a full-time certified officer and encumbering funds up to the full cost of a full-time officer. All were in favor.

Clement shared with the board that town counsel is drafting a response to Clear Victory regarding the zoning changes on a particular lot on Route 125. Jones stated the Warrant Article from last Town Meeting had a list of lots that were multi-use. She explained the vote was to make the specific lots all residential or all commercial. She added the argument from Clear Victory is that the lot in question should have gone all residential not commercial. Kleinman added it was the intent of the Planning Board to extend the multiuse lines to be commercial further out. It was pointed out the tree cutting would be permissible on either type of lot according to Kleinman. Clement added that the intent to cut paperwork was properly filed. Additionally, with a residential lot there is no buffer required according to Clement. Jones asked if the board had any actionable steps at this point. Clement responded not at this time.

Jones addressed HB 321:IV(a) "A public body or agency may adopt procedures to review minutes of meetings held in nonpublic session and to determine by majority vote whether the circumstances hat justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that those circumstances no longer apply, the minutes shall be available for release to the public pursuant to this chapter. (b) In the absence of an adopted procedure to review and determine whether the circumstances no longer apply for the meeting minutes kept from the public, the public body or agency shall review and determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. This review shall occur no more than 10 years from the last time the public body voted to prevent the minutes from being subject to public disclosure. Meeting minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by the public body or agency within 10 years of the effective date of this paragraph shall be subject to public disclosure without further action of the public body."

Clement asked if the board would prefer to have a time based policy or adopting a specific procedure. Jones asked if sealed minutes have been unsealed historically. Clement responded minutes have not been unsealed typically. She added there could not be a blanket vote to reseal all the minutes. Jones asked if the board decided to do nothing, would it unseal every nonpublic sealed minutes ten years or older. Morgan asked if the board opts to adopt a procedure tonight, could it change.

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Kelly stated counsel weighed in. He asked if NHMA was consulted. Clement responded that they have not chimed in on the topic.

More discussion occurred regarding HB 321. Clement stated the Right-To-Know law came into effect in August 1967. Morgan asked if HB 321 is retroactive. Artimovich requested time to further review the information. Jones stated she was not opposed to transparency. The law goes into effect on October 3. The board decided there was no harm in working on a policy for a week or two and getting further clarification on the statute. It was tabled for the time being. Kelly cited clarification to those viewing the meeting as a reason for Clement to explain purposes nonpublic minutes may have remained sealed or why nonpublic was utilized.

Clement explained minutes are sealed if the board is discussing a personnel matter including background, criminal history, disciplinary matters, promotions and would be discussed in nonpublic. Litigation matters including discussion of the case, trial preparations, counsel's advice or settlement arrangements would also be done in nonpublic and sealed. Discussing real estate transactions and releasing the information could give the other party an unfair advantage, the minutes could be sealed until the transaction is closed. Clement added the reason is always stated before going into nonpublic and must fall into one of the allowable criteria.

Janice Weirs, library director, was in the audience. She asked if Clement would be advising other boards. She responded the selectboard will need to make a decision and then Clement will send that out to the other boards.

Clement stated there would be a department head meeting next week on October 3. Jones stated she would not be available and asked Artimovich to chair. Morgan stated he would be calling in.

October 31 is trick-or-treating in Brentwood. Clement asked if the board would like to meet early, cancel the meeting altogether and just sign the manifest, or meet at the normal time. It was decided there would not be a meeting on October 31.

Clement presented the board with the MS-1 to be signed. She stated it is a net increase valuation of 14 million over last year and most of that growth is commercial. Clement noted there were 3 million dollars in exemptions.

Artimovich motioned, seconded by Morgan, to sign the MS-1. All were in favor.

Clement presented the board with Land Use Change Tax (LUCT) forms and warrant for Phase 2 of Three Ponds. Jones asked if there is another phase. Clement responded this was all that was approved of by the Planning Board.

Artimovich motioned, seconded by Kelly, to sign the LUCT forms and warrant. All were in favor.

The Selectboard handbook was updated to reflect the changes previously discussed regarding committee appointments.

Artimovich motioned, seconded by Kleinman, to accept the changes updated in the Selectboard handbook regarding committee appointments. All were in favor.

Artimovich requested a date be set to discuss earned time. Clement responded the policy is mostly drafted. She explained Chief Bird requested that she speak with the payroll department in Exeter to understand how they rolled it out in their town.

Artimovich stated he spoke with Bob Stephens, Conservation Commission Vice-Chair, before the Selectboard meeting. Artimovich shared that Becky Dunham was voted to become a full member. Jones asked if a posting for an alternate would be made. Clement responded she will need Stephens to draft up an ad for the alternate opening. Clement added that Stephens and Jeremy Lougee, from SELT, will be meeting next week regarding the Fuller property.

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Morgan reminded everyone that the Economic Development committee would be hosting Chuck Morse as the special guest at the quarterly business breakfast being held at the BRC on Wednesday, September 27 at 7:30am. Morse is a Brentwood commercial property owner according to Morgan.

Stefanie Kizza, vice-chair of the Planning Board, took initiative and wrote a thoughtful well-done proposal for a Bridging Brentwood DOT grant according to Morgan. He stated she worked under a very tight timeframe. He explained it would be a \$300,000 grant with a 20% in-kind contribution match.

Morgan requested Jones sign a letter of support to accompany the grant proposal. Jones questioned the outcome measures or actionable items that would result from the grant. Morgan responded it would ultimately be to find a safe option to cross Route 125. He explained the funds would be used to seek a safe way to connect the recreation center to the library, town hall, and Swasey. Artimovich stated his concern was that Route 125 is a state road. Morgan responded that Rockingham Planning Commission and the State DOT are both aware that Brentwood will be submitting a grant proposal. He explained he has requested letters of support from them as well.

Artimovich argued that Brentwood could not force the state to do anything even if the grant is obtained. Morgan asked if the board wanted the state to do what is best for the state or for Brentwood to do what is best for Brentwood when it comes to the safety of Route 125. Jones asked if the grant could be put on a future agenda. Morgan explained the grant is due September 27. Morgan added there is additional money available. The grant that will be submitted is just for the planning process.

Jones asked if the grant is non-binding for the community. Kelly feels strongly that something needs to be done. He shared his experience crossing Route 125 on foot in the past. Kelly stated it is not safe or advisable. He is in favor of seeking ideas on how to make it safe. Morgan added the acceptance of the grant would require it to be a warrant article at Town Meeting.

Jones questioned the jurisdiction of Brentwood. She explained NHDOT had an engineer as part of the charette with Plan NH. She explained there was a roundabout idea. Jones questioned what could be different or better than their suggestions. Morgan explained the suggestion of Plan NH was a rough concept of a roundabout with a focus of entry and egress into the rec. He explained the grant funds would allow for a hardcore study of Route 125 and tying the town together by examining more than historical trends and future projections. It would focus on actual infrastructure concepts and engineering a design plan.

Jones questioned how it would interface. Morgan responded it is about how to connect one side of Route 125 to the other side of 125. How to connect in a more responsible way – over or under possibly. Kelly believes people have seen examples of getting over or under thoroughfares in their travels around the state, region, and beyond. He understands the need to be creative and access brain power to bring things to fruition. Morgan asked if sidewalks are possible from South Road to Swasey or to the library for example. Jones shared she was not opposed to sending a nonbinding letter of support with a potential grant.

Kelly motioned, Artimovich seconded, for Jones to sign a letter of support to accompany the Bridging Brentwood grant proposal. All were in favor.

Kelly had no committee updates.

Kleinman shared Deb and Andy Laroche attended the Planning Board meeting regarding their complaint of 62 Route 125. He explained Kip Kaiser, building inspector/code enforcement, had drafted a letter to the business about not being in compliance. Clement added after preliminary research, the complaint was closed by Kaiser because the property owner had filed an amendment to the site plan to the Planning Board. The amendment was deemed incomplete by the Town Planner, according to Clement. After the new complaint was lodged, Kaiser sent out another letter stating they are in violation of the

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site plan, she added. The property owner, Granese LLC, has until October 11 to submit an amendment to the site plan in order to be on the November 2 Planning Board agenda according to Clement. Jones added if violations to the use of the property are founded, the Selectboard will decide the action at that time. Kleinman shared he believes the Laroche's understand the process and seem to be satisfied with the action being taken.

Kleinman stated the Planning Board reviewed plans for a large warehouse at the current location of the castles. He explained it would need several variances due to parking, height, and distance from the wetlands. Kleinman stated the Planning Board issued a denial at this time and the plan will go in front of the ZBA. Artimovich asked what the size was going to be. Kleinman was unsure of the exact sizing but speculated it would be the largest building in Brentwood and offered to get the measurements to the board.

Kleinman explained the Capital Improvement Plan (CIP) subcommittee heard from Wayne Robinson, road agent, who shared the highway department would be needing new trucks in the future; Janice Wiers, library director, who added an elevator and painting would be on the plan; Dexter Swasey, Historical Society president, who stated they would like septic, permanent bathrooms, and paving of the parking lot; and Andy Gray, Recreation Director, listed several items including roofing, windows, furnace and AC replacement.

Jones asked how the document will be used. Clement explained it will be up to the department heads to prioritize and then the board will decide how it will be paid for through warrants, ARPA, Capital Reserve Funds. Kleinman stated the rec is looking at permanent bathrooms with up to 6 stalls as a priority. Artimovich asked if the selectboard put items on the CIP plan. Clement affirmed they will be looking for software updates, server updates, and to replace furnaces. She explained much of that is funded through Capital Reserve Funds. Kleinman added the budget committee and CIP subcommittee may need help understanding how the projects would be funded.

Wiers stated the library entry ways needs to be replaced. She asked if it would be covered under building maintenance or warrant article. She questioned if they would know ahead of the warrant article submission deadline. Jones responded that that is the plan.

Clement stated the Mill Road Bridge had reached substantial completion last fall. The one remaining piece was waiting for grass to grow which has been unsuccessful thus far. There is \$40,000 in retainage. Stephens Associates is requesting the money be released to pay open invoices with \$8,000 held back to cover construction administration fees and the seeding growth for the grass they were unable to grow.

Morgan motioned, seconded by Artimovich, to expend \$40,000 to close out the Mill Road Bridge project. All were in favor.

Jones asked for a website update. Clement responded that it is coming along. Artimovich asked when the launch date goal is. Clement responded the goal was October. She added there seemed to have been some confusion among members about what was expected. She understood the subcommittee wanted the voice to sound consistent between departments and pages. Clement added that some members were creating new content for pages. She stated that was not what the intent of the subcommittee was and some of that work may be incorporated in a later phase.

At 7:45pm, Artimovich motioned, seconded by Morgan, to go into non-public for legal. Artimovich – aye; Morgan – aye; Kelly – aye; Kleinman – aye; Jones – aye.

At 7:52pm, Morgan motioned, seconded by Kelly to seal the minutes and go into public session. Artimovich – aye; Morgan – aye; Kelly – aye; Kleinman – aye; Jones – aye.

At 7:52pm, Morgan motioned, seconded by Kelly to adjourn. All were in favor.

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Respectfully submitted,

Tamera Peek

WEEKLY TREASURER'S REPORT				
DATE:			9/26/2023	
General Fund:		TD BANK		
Previous Balance:		4,820,152.10		
Deposits:		66,363.66		
Payroll:		30,193.41	DDP: \$30,193.41	
			CHK: \$	
FICA:		6964.27		
A/P:		38,731.23	Reg A/P Cks \$38,731.23	NHRS \$
			Swasey: \$	CO-OP: \$
Transfer to PD/REC CC		684.50		
NSF Check Returned		(2,892.00)		
Voided Checks		\$1,059.55		
Transfer to Impact Fees		10,854.00		
Account Balance:		4,797,255.90		
Interest Earned YTD:		95,294.43		
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Joyce A. Gallant, Treasurer				