

Selectboard Minutes  
September 19, 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.

Noting increased overtime for the fire department and police department resulting from the storm and hazardous waste day, Jones asked if there was any significant damage in town. Karen Clement, Town Administrator, responded there were trees down on Pickpocket and Middle Road.

Artimovich motioned, seconded by Morgan, to accept the consent agenda which consisted of recreation manifest, treasurer's report (found at the end of these minutes), and the following building permits:

- Doug & Sally Finan, 1 Gove Road, Building
- Jon Lariviere, 92 Three Ponds Drive, Building – New Dwelling
- Jon Lariviere, 94 Three Ponds Drive, Building – New Dwelling
- Jon Lariviere, 96 Three Ponds Drive, Building – New Dwelling
- Allan & Karen Hall, 2 Wendell Drive, Electrical

All were in favor.

Jones opened the meeting to public comment at 6:03pm.

Deb Laroche, Crawley Falls Road, shared concerns with the board regarding a property on Route 125. She explained the land was purchased and is now being leased out to another company. The company is bringing stone onto the property according to Laroche. She questioned the noise permitted as a result of the change of use from being a storage pad. Laroche believed the property was originally going to have trucks leaving in the morning and returning in the evening based on the meeting she attended.

Laroche explained the location had a stone crushing machine running 10-12 hours per day 7 days each week for much of the summer. She explained she registered a complaint with someone in the town office. Morgan asked who she spoke with. Laroche responded she spoke with Jennifer. Morgan asked if it was Jillian. Laroche stated whoever she spoke with was going to pass the message along to code enforcement.

Laroche shared she had met with Glenn Greenwood, Town Planner, who advised her stone crushing was not an allowable use and suggested she discuss her concerns with the Selectboard. Laroche explained the rock crushing machine seems to have been removed since her initial complaint, however, she would like to do something to prevent it from going back to that property.

Kleinman asked for the exact address. Based on some research at the table using available maps, Artimovich stated it was 224.100.000. Clement stated it was 62 Route 125 owned by Granese LLC. Kleinman encouraged Laroche to attend the upcoming Planning Board meeting. Morgan explained the process to Laroche. He explained if it is determined by the Planning Board that the use is not within allowed guidelines on the site plan, the Planning Board can submit something to the Selectboard. The Selectboard can then vote to do something from there, Morgan explained. Kleinman agreed he would bring

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it to the Planning Board at the next meeting.

Jones closed public comment at 6:13pm.

Jones shared Three Bearings had provided the town with the 2024 Cost of Living increase on September 8. She shared the board wanted to discuss and make a decision ahead of performance reviews this year. Jones asked Clement to explain the document to the board.

Clement explained last year Three Bearings predicted 5.2% COLA. The board authorized 5% for COLA and the town also offered up to 2.5% merit not to exceed 7%. Clement stated this was below the 8.7% approved by the social security administration for 2023. She shared Three Bearings predicted the inflation for 2024 will be between 2.5% - 3.5%. She explained the department heads met and decided they would be proposing a 3% COLA increase and up to 2% merit increase depending on performance – not to exceed 5% unless a department requests wage adjustments. Jones asked if there is an expectation of any wage adjustments this year. Clement explained there could be three wage adjustments for specific employees based on their roles and job descriptions and being competitive.

Jones reminded the board that market adjustments are designed to keep Brentwood wages competitive. She added COLA is tied somewhat to inflation and merit is a potential raise based on performance.

Kleinman asked if there are funds available to do these proposed increases. Clement responded it would be built into the upcoming 2024 budget.

Clement shared increases for a few surrounding towns. She explained Rye is doing a 3.75% COLA. Exeter is doing a 3% step with a 2% COLA. She added Lee's budget started July 1 and they approved a 4% COLA and a 2% merit. Artimovich explained to Kleinman that the increases would not take place until after the March vote. He explained this decision will help departments build the increase into their budgets. Kleinman asked what the gross increase would be. Clement responded it would be about \$90,000 annual increase which would be about 12 cents tax impact per household assuming no other revenue changes.

Artimovich motioned, seconded by Morgan, to support a 3% COLA and up to 2% merit for all town employees. All were in favor.

Jones addressed the proposed amendment for the Selectboard handbook regarding committee appointments. She explained Kleinman raised concerns about discussions being done in non-public when selecting members for committees. Clement explained most of the discussion should be done in public session with the allowance to go into non-public session for protection of reputation based on advice from legal counsel.

Kleinman read his amended proposals. Jones read the current language from the Selectboard handbook. Kelly asked if the July 18<sup>th</sup> proposal was being replaced by the language Kleinman presented tonight. It was confirmed that that was now the proposal. Kelly asked if Clement had a sense of what other towns do for discussing appointments in public session. Clement responded she was unsure.

Kelly asked what possible legal issues or risks could arise from a reputational standpoint if a candidate feels disparaged. Jones suggested adding language to the application notifying the candidate they will be discussed in public. Clement added if the resident is applying, they acknowledge they are waiving basic privacy in the review of their application. She added the comments made would have to cause material reputational harm.

Artimovich added that remarks made that are not fact based could be considered slander, but fact-based statements would be fine. Kleinman added the statute has high standards to prove the comments fall into irreparable harm to one's reputation.

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Kelly stated looking back, the board has made some tough decisions on committee appointments and he feels the board has made great strides. He expects more tough decisions to come. Kelly believes candidates should have a track record of supporting the board and its mission for any board they hope to join.

Artimovich moved, seconded by Morgan to accept, "In making these decisions by majority vote, the Board should always discuss individual qualifications in a public session, but the Board may go into non-public session as permitted by RSA 91-A:3" as language for Article IV, Section R second paragraph third sentence and "The term "ideology" in the second paragraph fourth sentence should be stricken". All were in favor.

Jones asked what committee will have openings next. Clement responded the board will need to do reappointments of standard positions for Chief Bird, Wayne Robinson, and Bob Mantegari. She added the ZBA positions remain unfilled but are still posted and the Recreation Commission will have two alternate openings which will be posted on October 1. Kelly asked if it was possible to have a running list of committee openings to allow for regular follow-up and spreading the word. Artimovich suggested Clement post it on the BOS drive.

Clement presented the board with a contract from Sansoucy, a utility appraisal company. She explained PSNH filed an abatement in 2017 for the poles and conduit on town property. The abatement was denied, and the appeal will be in Merrimack County with a trial date slated for September 2024. The case involves 50 communities for various years. The towns use the same counsel, pool the expenses, and prorate the amounts. The contract is \$10,000 and is a portion of the full cost. It will appear in the 2024 legal line. Clement explained any additional costs would be rolled into 2025 budget.

Jones asked what the town has been paying on this yearly, until now. Clement responded the standard cost is \$14,000 and minimal legal fees to Walter Mitchell's office. She explained the bulk of the fees will be for the trial. Kleinman asked if the \$10,000 is just for Brentwood. Clement responded it would be for just Brentwood's portion. She pointed out some of the work is unique to Brentwood and some of the work will be pooled with other towns.

Kelly asked Artimovich if he had any insight. Artimovich responded that the pole tax battle has been going on for quite some time. He explained the town has already paid one settlement. Clement stated NH Electric Coop settled for \$80,000/year for 4 years. Artimovich said NH Electric Coop has only about 10% of the poles in Brentwood and Eversource owns a much higher percentage. Kelly asked if Clement supports the route of signing the contract. Clement responded she is in support.

Kelly motioned, seconded by Morgan, to execute a contract with Sansoucy for utility appraisal. All were in favor.

Kleinman asked if the legal budget would be increased \$10,000 and cover Sansoucy's fees. Clement confirmed it would be.

Clement shared the fixed price from Suburban is offering 11,000 gallons of propane to the town for \$1.83/gallon. Artimovich stated the NH fuel website has the average cost of propane at \$3/gallon. Clement added the rate is extended to all town employees and selectboard members.

Morgan motioned, seconded by Artimovich, to sign the Suburban Propane fixed rate agreement for 11,000 gallons at \$1.83/gallon. All were in favor.

The State of NH Department of Safety is transitioning to Genasys, Inc for their emergency notification system according to Clement. She asked if the board would like to transition for no charges or continue with CodeRED under a separate contract and fees. Morgan clarified there was no cost to switch. Jones asked how it functions. Clement responded if there was a need to shelter in place, an alert would go out. Artimovich explained it is reverse 911. Jones asked how many times it has been used. Clement responded maybe less than five times.

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Morgan motioned, seconded by Artimovich, to transition to the new Genasys Inc system. All in favor.

Artimovich requested Clement ask how the system will work with cell phones.

Clement explained NH DRA had a public hearing for the conduit costs used to assess the telecommunication property in the state under HB1198. According to the NH DRA website, the 2023 conduit values will become final on September 18, 2023, according to Clement. She explained based on updated information, Brentwood will receive a revised 2023 appraisal with recommended assessments. At that point, the town's contracted assessor, Jim Michaud will finalize the MS-1 which shows all the values and is used to help set the tax rate.

Jones shared information from an Epping Notice the board received. There will be a public hearing on Monday, October 2, at 7:15pm for New England Dragway to get a waiver to provisions of racing according to their by-laws. The meeting will be held at 157 Main Street in Epping. Clement added the waiver is to request BMX racing be allowed into the month of November.

Wayne Robinson, road agent, was present to request the board sign a contract for salt. He presented the board with quotes from Morton Salt and Eastern Minerals. Artimovich asked what the price was paid for 2023. Robinson responded it was \$72.07/ton last year. Morton Salt is offering \$69/ton this year. Morgan asked if 2250 tons would be enough for this year. Robinson responded he hoped it would be and added he mixes it with sand. Kleinman asked what ratio it is mixed. Robinson stated it is a 2 to 1 mixture.

Morgan motioned, Artimovich seconded, to approve the purchase of 2250 tons of salt from Morton Salt for \$69/ton. All were in favor.

Jones signed the form. Clement will return the completed form to Morton Salt.

Artimovich had no committee updates.

Morgan shared Economic Development will be hosting a business breakfast on Wednesday, September 27<sup>th</sup> at 7:30am featuring Chuck Morse. The event will be held at the Brentwood Recreation Center. Morgan shared Morse has experience serving in the State Senate and extensive business knowledge pertaining to his nursery business. Morse will speak on the importance of business policies and initiatives.

Morgan shared the Charette report is available on PlanNH.org. He encourages residents and board members to review it. He added it is an extensive document and funding opportunities were researched and are also listed in the report. Stephanie Kizza is actively writing the first draft for a federal grant according to Morgan. He shared that there will be a charette presentation in the fall.

Morgan shared Budget Committee updates. He attended the recent meeting. Morgan stated there were 4 questions he was tasked with getting answers to and offered to connect with Clement to obtain the details. The questions included if there are sources of data to review revenue estimates, explanation of miscellaneous revenue, hiring status for highway department, and some questions about reconciliations. Jones asked if there were any questions on putting all solar and electric into one subcategory. Morgan responded there was no discussion of that, but shared the committee asked if the town is pursuing the purchase of the solar system.

Clement shared Rick Labrecque and Rob Wofchuck met with Revision last week. They are reviewing action items and maintenance plans for the array. They plan to do a walk through with Tom Soterakopoulos, the town's electrical inspector.

Kleinman shared he attended the DOT's 10-year meeting. He explained Route 125/South Road intersection was part of the

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conversation. He shared the DOT Director stated the intersection was still a priority and the town is still waiting for the audit report.

Kleinman shared the Planning Board met a few weeks ago and will be meeting this Thursday. He stated the Castles property owner is looking to remove the castles and put in a large warehouse. Kleinman explained the board will be discussing wetlands impact, water, buffers, and other project related details.

Jones shared the School Board met on September 11. The school election night will be March 6<sup>th</sup> where they will be approving the school budget. The SAU public hearing on the Coop budget will be October 16 at SST. Jones shared the preliminary budget was released and offers a 3.2% increase.

Jones also shared the new superintendent appears to be doing well and has been working on goals. Swasey is also working on their own goals. Jones offered a financial update that \$36,000 may potentially be coming back to the town to help offset taxes. There are currently about 280 students enrolled at Swasey according to Jones.

Janice Wiers, library director, shared there will be a Community Communications Chat with the Superintendent on November 8 at 5:30pm at the library. She explained the Superintendent is looking to make herself available.

Kelly shared he covered for Artimovich at the Conservation Commission meeting. He stated challenges have been identified previously, but the Selectboard has not had a chance to discuss those since then. Kelly explained the chair position appears to still be open and believes there was a recommendation for Becky Dunham to become a full member. Clement responded that she has not been notified about that change if it has occurred.

Kelly asked how the alternates not showing up will be handled. He believes that should be addressed. He also believes electing a chair should be a priority.

Kelly shared the Fuller property was discussed. Previously the property had been denied by Conservation Commission, but it was reconsidered according to Kelly. He stated the vote was 5 yes, 1 no and 1 abstention. Kelly stated vice chair, Bob Stephens, will be meeting with the SELT rep Jeremy Lougee. Morgan questioned why Stephens is meeting with the SELT representative if Stephens abstained.

Kelly noted the Webb property on Pine Road was also discussed. He explained there was much discussion. Stephens was advocating for an appraisal and a wetlands study. There was disagreement about the use of the warrant article funds to be used for buying property, conserving some of the land and then selling to an industrial interest according to Kelly. He stated it was voted down.

Kelly shared the Swasey property requested to be deferred to the next meeting.

Kelly explained that Bruce Stevens was in the audience at the Conservation Commission meeting and requested Kelly check with Clement if it is legal for the town to purchase and resell property using the warrant article funds. Clement responded to Kelly that the bond funds were not available for that use.

Jones suggested utilizing the knowledge of those involved in the 2003 Open Space Bond. She believes there is no reason to recreate the process, when a seemingly successful plan was previously used. Morgan expressed his support of gaining information from those with knowledge on the process. Jones would support reinvigorating the plan/process they used. Morgan supports the idea.

Kelly requested Clement reach out to Stephens regarding the appointment of Dunham.

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Jones suggested giving a directive to the Conservation Commission to appoint a chair. Kelly asked if putting the Conservation Commission on the agenda was the route to take. Morgan reminded board members that the Conservation Commission is supposed to offer advice to the Selectboard. He suggested the Selectboard instruct Conservation Commission what is needed from them and allow them to advise the Selectboard how they will meet those requests. Clement offered to meet with Wofchuck or Stephens offline. Jones was supportive of the discussion but was unsure of the tailored objectives for Commission.

At 7:38pm, Morgan motioned, seconded by Artimovich, to go into non-public for legal and personnel. Artimovich – aye; Morgan – aye; Kelly – aye; Kleinman – aye; Jones – aye.

At 8:09pm, Artimovich motioned, seconded by Morgan to seal the minutes and go into public session. All were in favor.

At 8:09pm, Artimovich motioned, seconded by Kleinman to adjourn. All were in favor.

Respectfully submitted,

Tamera Peek

WEEKLY TREASURER'S REPORT			
<b>DATE:</b>		<b>9/19/2023</b>	
<b>General Fund:</b>		<b>TD BANK</b>	
Previous Balance:		5,177,717.01	
Deposits:		47,784.31	
Payroll:		31,848.99	DDP: \$31,848.99
			CHK: \$
FICA:		7705.28	
A/P:		364,656.46	Reg A/P Cks \$123,656.46
			Swasey: \$241,000.00
Transfer to Impact Fees			NHRS \$
NSF Check Returned		(1,138.49)	CO-OP: \$
Trans from GF to Rec CC			
Admin CC ACH Payment			
Account Balance:		4,820,152.10	
Interest Earned YTD:		95,294.43	
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Joyce A. Gallant, Treasurer			