



**TOWN OF BRENTWOOD
SELECTBOARD
TOWN OFFICES: 1 DALTON ROAD
AGENDA FOR 05/21/2024 @ 6:00 PM**

- I. Convene
- II. Review and sign payroll and accounts payable register
- III. Review and approve the Consent Agenda: Subject to Change
 - a. Recreation Manifest
 - b. Treasurer's Report
 - c. Building Permits
- IV. Public Comment
- V. Discussion/Action Items
 - a. Chief Bird: Earned Time
 - b. Tricia Canty: Graduation Banners
 - c. Chief Ventura & Lt. Doty
 - i. Cruiser Request/Withdrawal
 - ii. Proposed Ordinances: Noise and Hawkers and Peddlers
 - d. Julie Avant, Trustee of Trust Funds: Inactive Funds
 - e. Jim Hajjar: BNL
 - f. AV Cameras, Microphones, Communications Handoff
 - g. Recreation Van MOA
- VI. Regular Business
 - a. Committee Updates
- VII. Any other matter that may legally come before the Board
- VIII. Non-Public Session:
May be called at any time in accordance with Chapter 91A:3II, a, b, c, d, e, i
- IX. Adjourn

Earned Time Accrual

Full-time and eligible part-time employees accrue Earned Time. The Earned Time approach allows employees to use their paid time off for a variety of purposes including vacation, sick leave, personal days, or military leave rather than accumulating each of them separately.

The accrual rate will begin on the date of hire. Employees servicing in their initial probationary period accrue vacation, but are not eligible to use vacation during the first 6 months of employment.

The accrual rate for full-time employees is as follows:

	Years of Service	Weekly Accrual	Annual Accrual
8 Hour Work Day	0-1	1.5	80
	1-4	2.3	120
	5-9	3.1	160
	10-14	3.8	200
	15+	4.6	240
10 Hour Work Day	0-1	1.5	80
	1-4	2.3	120
	5-9	3.1	160
	10-14	3.8	200
	15+	4.6	240
24 Hour Work Day	0-1	1.6	84
	1-4	2.4	126
	5-9	3.2	168
	10-14	4.0	210
	15+	4.8	252

The accrual rate for part-time employees is on a prorated basis. Part-time employees accrue earned time based on the regularly scheduled hours budgeted for the position and on years of service as outlined above (non-status hours worked and supplemental compensation, such as overtime, are excluded).

Years of service will be calculated from the employment date at which the individual became a benefits-eligible employee.

Earned Time Usage

- Employees must have successfully completed their 6 month probationary period before using earned time.
- A forty-eight hour notice is required when requesting planned absences.
- Earned days may be used in units of one-quarter hour or more.
- Compensatory Time must be used before any earned time may be redeemed.

- Annual leave should be used during the calendar year it accrues, however employees may carry a maximum of 80 hours (96 for full time fire) to the following calendar year and/or add time to their sick leave pool (see section regarding sick leave pool accumulation).
- Employees who are eligible for payment of 40 or more hours within a given pay period, either by working the full forty (40) hours or through a combination of work and holiday pay, will not be allowed to use earned time within that pay period.
- Employees with unscheduled absences of three or more consecutive scheduled work days shall furnish verification from his/her attending physician. The employee shall also furnish a medical certificate authorizing the employee to return to work at their regular duties.
- Employees may request an advance of earned time in the event of an emergency or medical need. All requests must be submitted in writing to the Town Administrator. If an employee's need for the advance is foreseeable, the request will be submitted for approval from the board of selectmen. If the need for leave is not foreseeable, the employee must request the advance to the Town Administrator as soon as practicable for approval. Requests will be reviewed and may be granted on an individual basis. At no time will an advance be granted in excess of 40 hours. If a request is granted, the employee will not be eligible for overtime (compensatory time included) or special duty for the pay period(s) in which the advance is paid.
- Unused earned time will be paid upon termination. However, unused earned time will not be paid under these circumstances:
 - Probationary employees are not entitled to be paid unused earned time if terminated during the initial probationary period.
 - No earned time will be paid if the employee is terminated for cause, such as theft or immoral conduct.
 - Unused earned time will not be paid for resignations received in lieu of termination.
- Earned Time may not be used to compensate employees during periods of mandatory unpaid leave or suspension.

Amended: 04/02/2019, 01/01/2024, 05/21/2024

Brentwood Selectboard

ORDINANCE – TOWN OF BRENTWOOD

This ordinance shall take effect upon passage.

NOISE ORDINANCE

Authority:

Pursuant to the authority conferred by Chapter 31, Section 39, New Hampshire Revised Statutes Annotated, (RSA 31:39), the Selectboard of the Town of Brentwood adopt the following ordinances; As well as what is outline in NH RSA 644:2 Disorderly Conduct.

Purpose:

It shall be unlawful for any person to make, continue, or cause to be made any excessive, unnecessarily loud noise, or any noise which either annoys, Disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the Town, and in accordance with the concepts, measurements definitions, and procedures set forth below. And/or it shall be unlawful to make loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities

- A. Radios, Televisions sets, Musical Instruments and Similar Devices: It shall be unlawful to operate, play, or permit the operation or playing of any radio, television, phonograph, drum musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound between the hours of;
 - i. 11:00 PM and 06:00 AM Sunday through Thursday and 12:00 AM and 06:00 AM Friday and Saturday in such a manner as to create a noise disturbance across a real property boundary.
- B. Loading, unloading, opening, closing or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters or similar objects between the hours of; 11:00 PM and 06:00 AM Monday through Friday and 12:00 AM and 06:00 AM on Saturdays and Sundays.
- C. The operation of construction vehicles to include, but not limited to, bulldozers, graders, dump trucks, backhoes, earthmoving equipment, front end loaders, log skidders, ETC. and
- D. The operation of construction tools, or construction equipment to include but not limited to, cement mixers, hammers, staple or nail guns, power tools (i.e. saws, drills, grinders, sanders, chain saw, electric hedge trimmers, lawn mowers, snow blowers, jack hammers etc.) between the hours of;
 - i. 11:00 PM and 06:00 AM Monday through Friday and 12:00 AM and 06:00 AM Saturdays and Sundays.

EXEMPTIONS;

The following uses and activities shall be exempt from the noise ordinance:

A. Noise of safety signals, warning devices, and emergency alarms. ORDINANCE – TOWN OF BRENTWOOD This ordinance shall take effect upon passage.

B. Noises resulting from any authorized vehicle, when responding to an emergency call or when acting in time of emergency or when testing proper operation of said device.

C. Noise resulting from emergency maintenance work as performed by the Town, State or Public Utility Companies, to include snow removal.

D. The operation or use of agricultural equipment to include but not limited to, tedders, balers and tractors.

E. Municipal maintenance work .

F. Any other noise resulting from activities of temporary duration permitted by law and for which a license or permit therefore has been granted by the Town or State.

G. Vehicles, tools and equipment enumerated in paragraphs C and D except during time periods of their prohibited use.

H. Parades and public gatherings for which the Selectboard or Chief of Police has issued a license or permit to include New England Dragway.

I. Bells, Chimes, or carillons while being used for religious purposes or in conjunction with religious services and those bells, chimes, and carillons that are presently installed and in use for any purpose.

APPLICATION FOR SPECIAL PERMIT:

Application for a permit for relief from the noise ordinance on the basis of undue hardship may be made to the Selectboard or Chief of Police. Any permit granted by the proper authority, shall set forth all conditions pertaining to the specified noise, and reasonable time limit for its abatement.

PENALTY:

Any person who violates the provisions of the ordinance shall be subject to a fine not to exceed fifty dollars (\$50.00) for each offense. An enhanced penalty of not less than one hundred dollars (\$100.00) and no more than two hundred and fifty dollars (\$250.00) for three (3) or more convictions or violations of the provisions of the ordinance in a six (6) month period.

ORDINANCE – TOWN OF BRENTWOOD

This ordinance shall take effect upon passage.

HAWKERS, PEDDLERS AND ITINERANT VENDOR ORDINANCE

Authority:

Pursuant to the authority conferred by Chapter 31, Section 39, New Hampshire Revised Statutes Annotated, (RSA 31:39), the Selectboard of the Town of Brentwood adopt the following ordinances;

Purpose:

The purpose of this ordinance is to protect the safety, health, and welfare of the general public.

Definitions:

Hawker and Peddler: (RSA 320:1) the terms "hawker" and "peddler" shall mean and include any person, principal or agent, who:

- Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares, or merchandise, either on foot or from any animal, cart, or vehicle; or
- Travels from town to town, or place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building; or
- Keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, personally or through his agents, at a place other than his regular place of business, goods, wares, or merchandise.

"Itinerant Vendor" (RSA 321:1) shall mean and include those persons whose principal place of business is not in this state, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling goods, wares and merchandise, with a total value greater than \$500, from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy a temporary place of business. A "temporary place of business" means any public or quasi-public place including, but not limited to, a hotel, motel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car, or trailer temporarily occupied for the purpose of making retail sales of goods to the public.

Exceptions: The provisions of this ordinance shall not apply to:

- Any person selling the product of his or her own labor or the labor of his or her family or the products of his or her own farm or the one he or she tills.
- "Lemonade stands" or other similar enterprises operated solely by children under the age of 16
- Any person selling product(s) for patriotic purposes when none of the entity's earning benefit any private shareholder or individual.
- Any person conducting sales of personal household goods on his own property.

"Farmer's Markets" and any non-profit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or education purposes when no part of the entity's earnings benefit any private shareholder or individual are required to submit a permit application but will be exempt from the fee.

License required: No person shall engage in hawking and peddling or itinerate vending without first having been issued a license by the Town of Brentwood Selectboard.

License application: Every Hawker and/or Peddler, or Itinerant Vendor shall, at least 30 days prior to selling any goods or services apply to the Selectboard for a Vendor Permit using the application form provided by the Town.

Application review: The Brentwood Selectboard shall review all complete applications. Incomplete applications will not be reviewed. Complete applications will consist of:

- A completed and signed Town of Brentwood application form
- A copy of the applicant's valid State of New Hampshire Hawkers and Peddlers license
- The application fee as set forth in this ordinance, in the form of cash, bank, cashiers or certified check, payable to the Town of Brentwood.
- A copy of the principal's and any agent's driver's license or other State issued picture identification card.
- A copy of the applicant's, principal's and agent's criminal record from the State in which they reside as well as the State of New Hampshire.
- For food vendors only, a copy of a State Food License.

The Brentwood Selectboard shall approve a Vendor Permit application only when a review of the application materials results in a conclusion that issuance of the license will not pose a threat to the safety, health or welfare of the general public. All other applications will be denied. Examples of conditions that would result in a denial of a permit include, but are not limited to:

- A finding that the persons engaged in hawking and peddling have been convicted of an offense involving activity which if repeated would pose a threat to the citizens of Brentwood.
- A finding that the persons engaged in hawking and peddling have been involved in dishonest, fraudulent, or deceptive practices leading to misappropriation or theft.
- A finding that the application contains false or misleading information.

Term: License granted shall be effective for up until local or state revocation, expiration of applicant's State of New Hampshire hawkers, peddlers, and vendor's license, or at midnight, December 31 of the calendar year in which the license was granted, whichever is shorter.

Posting of Permits: Vending permits shall be posted in such a manner to be in the plain view of all customers.

Fees: Application fee \$100.00

The Town of Brentwood reserves the right to charge additional fees or require the deposit of funds in escrow to cover the cost incurred in maintaining public safety, crowd control, traffic control or other

services that may be required due to the hawking and peddling or itinerate vending activities provided for under this ordinance.

Locations where permitted:

Hawkers and Peddlers and Itinerate Vendors are permitted, with the written permission of the landowner, to operate in the Commercial/Industrial zone, or on any other commercial property that is a lawful non-conforming use, or which has received a variance from the ZBA. The site must have sufficient on-site parking and a safe means of entrance and exit.

Hawkers and Peddlers and Itinerate Vendors are permitted to operate on town property only upon approval by the Brentwood Selectboard.

No peddler, hawker, or vendor shall have any exclusive right to any location in the public streets and sidewalks, nor shall any be permitted at a stationary location, unless the license specifically grants a stationary location, nor shall he or she be permitted to operate in any congested area where his or her operations might impede or inconvenience the public. For the purpose of this ordinance, the judgment of the Selectboard with guidance from the Police Chief, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Special condition for frozen confection vending: Hawking and peddling of frozen confections may be conducted within the public right of way of Brentwood highways and roads, provided that such activity is conducted from the side of the road, and is not conducted in the traveled portion of any public right of way. The vehicle must be clearly marked to indicate their product and shall be equipped with safety equipment as recommended by the Police Chief.

Revocation of License:

The Selectboard or their designee may, upon a determination that public safety, health or welfare is compromised by the activities provided for under a Vendor Permit, revoke such permit. The Health Officer may, upon a determination that public health or welfare is compromised by the activities provided for under a Vendor Permit, revoke such permit. Any person whose permit has been revoked under this section shall be ineligible to be a permitted hawker or peddler, or itinerate vendor, in the Town of Brentwood. The Selectboard shall notify the New Hampshire Secretary of State of any person whose permit has been revoked.

Penalties:

Any person who violated any provision of this Ordinance shall be guilty of a violation and subject to a penalty in the amount of \$500.00. Such person shall be deemed to have committed a separate violation for each and every day or portion thereof which any violation of the Ordinance is committed, continued or permitted by such person.

Any property owner who allows an unpermitted itinerate vendor, hawker or peddler to operate on his private property shall be subject to a \$500.00 fine for each day the unpermitted itinerant vendor, hawker or peddler is allowed to operate on his property

MEMORANDUM

From: Brentwood Newsletter

To: Town of Brentwood, Select Board

Date: May 21, 2024

Re: *Statement of Assurance between the Brentwood Newsletter (hereinafter "BNL") and the Town of Brentwood (hereinafter "Town")*

For the purpose of implementing the warrant that passed at the March 2024 Town Meeting, the Town and BNL agree to the following:

A. Content: The BNL agrees to the following:

1. In recognition that the BNL is a local newsletter, all content published in the BNL will be pertinent to and relevant to the residents of the Town of Brentwood.
2. The BNL will not publish any letters or submissions expressing the author's personal opinion unless it:
 - a) involves an issue that directly affects the Town of Brentwood
 - b) does not contain anything that can objectively be deemed a personal attack against any individual or group of persons
 - c) is reviewed and approved by the BNL review board to assure that no content is unreasonably offensive or politically divisive (whether submission is from residents, elected/appointed officials, or BNL representatives)
 - d) is submitted by a resident of Brentwood, NH
 - e) has the author's name clearly identified
3. The BNL will not endorse any candidates for office, nor will the BNL accept any submissions from anyone or any group that seeks to endorse any candidate for office. The BNL will provide space for candidate statements from all individuals running for elected positions representing the Town of Brentwood.
4. The BNL will print all town related information submitted by the Town Administrator or her/his designees, elected/appointed officials, committees/sub-committees, and department heads pertaining to elections, trash and recycling, committee reports, department programming and other town content of general importance. The BNL may choose to work with the Town associated submitter to modify the content in order to clarify or better present the information to our residents. The BNL will make no changes to printed submissions without prior approval from the submitter.
5. As long as a submission does not violate the above standards, the BNL will strive to print all submissions that it receives by the publication deadline understanding that space limitations may exist, in which case, the author will be notified, and any such submission will be included in a following publication.

