

BRENTWOOD BOARD OF SELECTMEN
MINUTES OF APRIL 5, 2011

Convened: 6:30 p.m.
Present: Andrew Artimovich
Jane Byrne
David Menter
Jeffrey Bryan
Michael Hubbard

The Board met and reviewed payroll, accounts payable, and signed the register.

Jonathan Ellis was in to present the weekly Treasurer's report. Ellis provided a copy of a revised Investment Policy for the Selectmen to review. He noted that the only change that was made is regarding the frequency of deposits. Per the RSA, it has changed from \$500 to \$1500. Ellis mentioned that we have been sited for a number of years by the auditors for noncompliance with this RSA by the Town Clerk/Tax Collector's office (although the new check scanner should resolve this). The Board will review it before next week's meeting.

Byrne made a motion, seconded by Bryan, to sign a letter authorizing the release of the letter of credit for Dupere Development, LLC in the amount of \$54,117.30. This has been replaced with a cash bond in the same amount. All voted in favor.

Ellis mentioned that one other issue that we have run up against with the auditors is that the Treasurer is supposed to make all the deposits of all the funds in Town. He is authorized to delegate people to do that and has delegated Phyllis Thompson and Sharon Copeland. The recreation director continues to make deposits, which is out of compliance. Ellis continued that he is only allowed to delegate this to people who are bonded under our insurance policy. Stevens has contacted LGC to find out what is involved in including her in that list and is awaiting a response.

Building Inspector Gil Tuck was in with the following permit which the Selectmen signed:

- Metro PCS to add cellular equipment to the antenna at 312 Rte 125.

Firefighter Alan Prina was in to meet with the Selectmen. Artimovich asked Prina if he would like to go into nonpublic session and he responded that he would. A motion was made by Bryan and seconded by Menter to go into nonpublic session per RSA 91-A:3, II(a). Artimovich, Byrne, Menter, Bryan and Hubbard voted in favor. Following discussion, Bryan made a motion, seconded by Byrne, to come out of nonpublic session and seal the minutes. Artimovich, Byrne, Menter, Bryan and Hubbard voted in favor.

Byrne made a motion to approve a revision to the Town Vehicle Policy to include wording regarding family members of patients riding in the ambulance. Menter seconded the motion; all voted in favor.

The Selectmen reviewed the minutes of the 3/29/11 meeting. Bryan moved the minutes as written. Byrne seconded the motion. Byrne said that near the end of the discussion noted in the second bullet on pg. 2, she did not vote on that matter. Hubbard, Bryan and Artimovich responded that they do recall her voting in favor. The Town Administrator confirmed that her

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notes from the meeting reflect that as well. Byrne continued to deny voting on the matter. Artimovich asked if everyone would be ok to have an addendum to the minutes reflecting Byrne's denial of voting. Hubbard said he is not ok with that; he definitely recalls everyone voting on that. Bryan added that he did as well. Artimovich said the fact that there was a question as to how she voted will be reflected in this week's minutes. Artimovich, Menter, Bryan and Hubbard voted in favor of the 3/29 minutes as written; Byrne was opposed.

Department Head Meeting

Richard Murphy, Emergency Management

- Budget is in line.
- Paperwork regarding state reimbursable expenses for the year that was recently signed by the Chairman of the Board of Selectmen has been sent to the state and we are awaiting a response.
- There was a meeting with the field representative yesterday and they discussed an apparent failure of some of the pagers during the unusual event at Seabrook. They are looking into this problem.
- There will be 4 drills this year.

Phyllis, Town Clerk/Tax Collector

- Revenues are up \$6,000 over last year. Lots of people are buying new cars.

Bruce Stevens, Planning Board

- There is a little sign of activity taking place. There are a couple of subdivisions in town that have had an inventory of unbuilt lots that are starting to pull building permits, Idyllwood Drive and Spruce Ridge Drive.
- By the middle of the May they expect to see final approval of the 24 lot Workforce Housing subdivision that will be going in off South Road.
- A Tractor Supply retail operation is submitting an application for construction in the area across from Difeo Oil on Rte 125.
- Will be working on updating soil maps, zoning maps and flood plain maps through programs with Rockingham Planning Commission.
- Looking into carrying capacity of the soils on commercial land along Rte 125 so that in time they may want to consider town sewer and water in that area.
- No budget issues.

Elyse Seeley, Budget Committee

- Distributed a handout that shows the tax impact of the results of voting.
- In good shape in terms of their budget.
- They will meet in August and hope to have another joint meeting with the Selectmen to discuss the goals for the 2012 budget.
- Phyllis Thompson said she has not received the minutes of the budget committee meetings. Stevens responded that she receives them electronically and they are on the website and can be printed from there. In the future, they will be forwarded to the Town Clerk.

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Margaret Dullea, Recreation Director

- The irrigation system is complete.
- The 2nd phase of the playground is complete.
- There will be 12 teams playing ball this spring/summer so parking is going to be an issue. It would be helpful if the dirt pile is removed.
- The building rentals are very busy.
- Richard Murphy asked if there should be wording in the rental agreement that if for any reason that building needs to be turned into an emergency shelter, an event may have to be cancelled and a refund given. Kathy St. Hilaire, member of the Recreation Commission, responded that there is already wording on there that covers that.
- Artimovich inquired about the removal of the library fence. Dullea said that she is unsure about whose responsibility it is to remove the fence. Artimovich asked Road Agent Wayne Robinson if that is something the highway department could take care of. Robinson responded that they could.

Tracy Waldron, Library Trustee

- They are working on economical ways to keep up with the e-books and audio books. They have some of both available through the State Library.

Wayne Robinson, Police Chief

- They are getting a lot of arrests in the past couple months. This will affect the overtime a little bit because the guys will be involved in court.
- The new car is on order but he hasn't heard when we will get it.
- Some of the officers will be going to some classes put on by the State Police and the Portsmouth Police Dept.
- Budget looks good.

Wayne Robinson, Road Agent

- They are about to start the road work. Bell & Flynn will be starting with Haley Circle and Diane McCain Drive in the next week or two.
- Their maintenance line of the winter budget is getting low but he will be sure to watch the bottom line.
- The sand pile is in pretty good shape so they may not have to buy any for next year.
- Elyse Seeley questioned if there has been any discussion regarding Exeter's section of Pine Road. Artimovich responded that we have not heard anything further from Exeter. She suggested perhaps a maintenance swap with Exeter should be discussed: Exeter would plow Patterson Circle and Brentwood would plow Exeter's portion of Pine Rd. Stevens cautioned that that could lead to issues with accusations of damage being caused by improper plowing procedures. Artimovich responded that it is definitely something they can look into.

Kevin Lemoine, Fire Chief

- Salaries and electricity are looking like they will go over budget.
- His general supplies line had about \$1,200 taken out of it that he hadn't budgeted for. Lemoine said he did not approve that. Artimovich said the \$1,200 was for cleaning

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supplies and such that Lemoine had requested to come out of the bond but the Selectmen didn't think that was appropriate. Byrne added that anything that would be disposable, she doesn't want to be paying interest on it for 20 years.

- Hubbard asked if there is anyway he can rein in the salary line. Lemoine said they are not doing anything different. Byrne mentioned that there are additional salary expenses due to a full-timer being out on leave. She continued that the only thing they can do is cut training or limit response to a call.
- Open House 5/14/11 from 1-5pm.
- Artimovich commended the Fire Department for the job well done at the Nursing Home fire and a couple of accidents they have had in town.
- The Board explained the workings of the Ambulance Revolving Account to new Board member Hubbard.

Diane Vosgein, School Board

- They are having a meeting next week to discuss the budget and the things that are happening with the State.

Julie Stevens on behalf of Rob Wofchuck of the Conservation Commission

- Conservation Commission continues to work on several important conservation easements in town. At this time, there are no specific updates except that discussions are continuing.
- The Exeter River Buffer and Stormwater Management Project is progressing along. 2 of 3 grant applications have been finalized and signed by the Selectmen (Moose Plates Grant and NH DES High Quality Water Grant) and the third (NH Aquatic Resource Mitigation Grant) is expected to be finalized shortly.

That closed the department head meeting.

Richard Georato was in to meet with the Selectmen regarding his abatement application. He had received a copy of Jim Michaud's (the Town's assessor) letter recommending the assessment be reduced from \$434,300 to \$426,100. Georato feels his assessment should be \$394,000 and presented documentation he used to support this figure. The Board explained that they generally agree with Michaud's recommendation and if the property owner disagrees with their decision they can appeal to the Board of Tax & Land Appeals (BTLA). Hubbard commented that he agrees with Georato's argument. The Board explained that if he does appeal to the BTLA, the first thing they are going to want to see happen is a negotiating session between Georato and the Town. Hubbard made a motion, seconded by Byrne, to reduce the assessment to \$410,000, half way between the Town's assessment and Georato's. They asked Georato if he would accept this compromise. He responded that he will. All voted in favor of the motion.

The Board signed the following abatement documents:

- Bryan made a motion, seconded by Byrne to deny the abatement for Phil & Janine Chrstiani of 21 Lebreux Street. All voted in favor.
- A motion was made by Bryan and seconded by Byrne to deny the abatement of Ron Ouellet of 9 Rhodes Circle. All voted in favor.

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- Byrne made a motion to deny the abatement for Brett & Nicole Hill of 34 Washington Drive. Bryan seconded the motion; all voted in favor.
- Byrne made a motion, seconded by Menter to deny the abatement for Michael & Melissa Bernier of 129 North Road. All voted in favor.
- A motion was made by Byrne and seconded by Menter to deny the abatement for Mr. & Mrs. Eric Winch of Pickpocket Rd. All voted in favor.
- Bryan made a motion to deny the abatement for David & Elizabeth Aldred of 6 Benjamin Circle. Menter seconded the motion; all voted in favor.
- Artimovich made a motion, seconded by Byrne, to deny the abatement for Raymond & Virginia Pawlencio of 52 Deer Hill Road. All voted in favor.
- An abatement for Gregory & Julie Thom of 13 Flanders Drive was reviewed. Bryan made a motion to approve a reduction in assessment from \$347,600 to \$295,000 based on the recommendation of Michaud. Menter seconded the motion; all voted in favor.
- Hubbard made a motion to reduce the assessment of Ronald & Jacquelyn Sullivan of 35 Northrup from \$381,400 to \$370,200 as recommended by Michaud. Menter seconded the motion; all voted in favor.
- Michaud recommended the Board approve the abatement of Edward Carley of 4 Northrup Drive and reduce the assessment from \$375,000 to \$361,600. Bryan made a motion, seconded by Menter, to approve the abatement. All voted in favor.
- A motion was made by Byrne and seconded by Menter to approve the abatement for David & Dorothy Baker of 9 Skim Milk Lane and reduce their assessment from \$589,800 to \$546,100. All voted in favor.
- Byrne made a motion, seconded by Menter, to approve the abatement for Gerald & Laurel Hipke of 180 South Rd and reduce their assessment from \$371,200 to \$346,000. All voted in favor.
- Menter made a motion to approve the abatement for Julie Hale & Brian Schiwal of 91 Crawley Falls Rd and lower their assessment from \$300,800 to \$284,200. Byrne seconded the motion; all voted in favor.

The Board reviewed the notes:

- The detective's car was struck by a vehicle last Friday. Estimated damage \$1,619. The Sheriff's dept was called to complete an accident report. The Town's insurance company has been notified. The driver of the other vehicle is insured.
- Byrne made a motion, seconded by Menter, to approve payment of \$3,425 from impact fees (half from police, half from Town Office) to Monarch Electric as a deposit towards the expenses of moving the generator from the former fire station to the Town Office. All voted in favor.
- The Fire Department can not locate the keys to the generator at the former fire station. They will cut the padlocks off so the electricians can prepare to move it.
- The Board informed Chief Robinson that the following companies still owe money for police details:
 - Nextgen Telecom billed 3/10/10 for \$238
 - NE Dragway billed 5/19/10 for \$273.63
 - All Star Speedway from 2009 for \$583.13
 - Fairpoint from 2009 billings for \$576.75

The Board agreed that we probably won't receive payment from Fairpoint due to

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bankruptcy. All Star they believe has sold. Artimovich asked Robinson to check with Epping. Robinson will check with Joe Lombardo regarding NE Dragway. They asked that the PD follow up with Nextgen on that outstanding payment.

- Stevens asked the Board for permission to teach Kathy St. Hilaire how to post items on the website. The Board agreed to that. Artimovich commented that St. Hilaire also offered to take Selectmen's minutes if the Town Administrator position has not been filled by the time Julie leaves.
- Stevens expressed concern about getting everything caught up and in order before leaving. She asked if the Selectmen would have a problem with her possibly getting some overtime. Byrne made a motion, seconded by Bryan, to approve up to 8 hours of overtime. All voted in favor.

Ken Christiansen, former budget committee member, mentioned that there was a joint meeting of the Budget Committee and Selectmen back in November and they talked about procedures for merit increases for town employees. At that time they came up with a tentative agreement but because it was so close to budget time it fell through. Christiansen encouraged the Selectmen to come up with a formal procedure before the budget season this year so that they can honor and incentivize those employees that deserve an increase. Artimovich agreed.

John Kennedy, resident, commented that on 1/18/2011 the Board made a motion to get rid of the town's bucket truck. He questioned if that was ever going to happen. Stevens said she has not posted it on Craig's list as she is awaiting information about the vehicle. Robinson said he will get it to her tomorrow.

Ward Byrne, resident, said he has 2 issues:

1. Security of Fire Station and the Board's request for a key to the Fire Station. Artimovich responded that the Board has requested keys for all town-owned buildings. W. Byrne asked what the Selectmen's position is on that. Artimovich responded that the Selectmen are requiring, per state law, a key to the building that would get them into all areas except for HIPAA file cabinets.
2. W. Byrne questioned what the requirements are for residency for a Selectman. Bryan responded that you have to live in town. W. Byrne asked if you are living in town in a building that is not zoned for residency if you are actually a Selectman. Bryan explained that the commercial code on Pine Rd says that you can not build a residence; technically he can live in a commercial building temporarily. Artimovich asked Planning Board chair, Bruce Stevens, if he could check if Bryan is violating any ordinances by sleeping in his office at his commercial location on Pine Road. Stevens said he will.

W. Byrne expressed support for the town's department heads and made accusations about the Board harassing the department heads. Hubbard responded that in the month he has been serving on the Board of Selectmen he has not seen any indication of that. Discussion took place between the Board and audience members regarding the request that was made for a key to the fire station.

Fire Chief Kevin Lemoine asked to speak with the Board about a matter. Chief Lemoine said he has learned that during public session at last week's meeting, discussion took place regarding

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disciplinary action that was going to be taken with him and he considers that a violation of RSA 91. Artimovich apologized and said that he was under the impression that as a department head it should be public information. Lemoine responded that he spoke with the Attorney General's office and they stated it should have been done in nonpublic. Lemoine requested that the Board retract the entire letter and any conversation that they had in public session. Byrne made a motion, seconded by Artimovich, to reopen the minutes of 3/29/11. Before voting on that, Artimovich asked Lemoine if at this point he would like to continue this current conversation in nonpublic. Lemoine said he would like to continue in public session. Lemoine commented that the letter that was sent to him by the Board was unjust because when he was in 2 weeks ago he told the Board that if they were insistent on a key that they would have to put locks on the closets. Artimovich responded that he thought it was left that the only thing that had to be locked is the HIPAA filing cabinets. Other members agreed. Lemoine said they have boxes of files of HIPAA related documents that are sitting in the EMS office. Menter asked how many closets would need locks. Lemoine responded three. Menter inquired of Lemoine that if they put new locks on three closets the Selectmen could then have a master key and that would solve the problem and put this issue to rest. Lemoine said that would do it. Artimovich asked the other Board members if they would be agreeable to having the locks changed on those 3 closets, to be paid from the government building budget, then receiving the master key; and in the meantime receiving a key for an exterior door of the fire station tomorrow. Artimovich made a motion to remove any record of the letter documenting the verbal warning that was given to Lemoine be removed from the file. Menter seconded the motion; all voted in favor. Byrne withdrew her motion to open the minutes of 3/29/11.

Menter questioned if while we're having someone rekey the 3 closets at the fire station if we should have the evidence room and firearms room at the Police Department rekeyed. All agreed that they should.

Menter made a motion, seconded by Bryan, to go into nonpublic session per RSA 91-A:3, II(a) to discuss an employee matter. Artimovich, Byrne, Menter, Bryan and Hubbard voted in favor.

Following discussion, Bryan made a motion, seconded by Hubbard to come out of nonpublic session and seal the minutes. Artimovich, Byrne, Menter, Bryan and Hubbard voted in favor.

At 9:10 p.m. a motion to adjourn was made by Byrne and seconded by Hubbard. All voted in favor.

Respectfully submitted,

Julie Stevens