

BRENTWOOD BOARD OF SELECTMEN
MINUTES OF 11/2/10

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

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

Jonathan Ellis was in to present the weekly Treasurer's report.

The Board signed the following building permits:

- Rod McKee of 181 Pickpocket Rd to install a generator.
- John & Jacquie Agel of 91 Prescott Rd to erect a 3 season room.
- Cindy Danielson of 20 Lebreux St to install a new generator.

Bryan made a motion, seconded by Byrne, to approve the minutes of 10/26/10 as written. All voted in favor. The Board reviewed the nonpublic minutes from 10/26/10. A motion was made by Bryan and seconded by Menter to approve the minutes as written. All voted in favor.

The Board reviewed the notes:

- Our tax rate setting date with the DRA has been set for 11/9 at 9:00 a.m.
- The Selectmen's office could use some help inputting the new assessment information into the computer and asked if that is something Brett Wells could assist with while he is on light duty work. Wayne Robinson will check his class schedule and see when he can help.
- Bryan reported on the Knowles hearing that was held earlier in the day. No decision is expected for 30-60 days.

The Selectmen signed the following documents:

- Artimovich made a motion, seconded by Byrne, to sign a revised MS1 with updated valuations following the informal hearings. All voted in favor.
- A motion was made by Byrne and seconded by Menter to approve the special permit to construct a sewage disposal system at 9 Kadra Street. All voted in favor.

Charlie Gargaly of the Brentwood School District was in to discuss 2011 meeting dates with the Board of Selectmen. The Selectmen told Gargaly that elections will be held on Tuesday, March 8, 2011 and Town Meeting will be held on Saturday, March 12, 2011. They suggested perhaps holding the School District Meeting on March 19th. The School District Meeting can be held anytime between 3/1 and 3/25.

Fire Chief Kevin Lemoine reported that they have been approved for a forestry grant in the amount of \$1,200. It is a 50/50 matching grant and Lemoine said he can cover the

BRENTWOOD BOARD OF SELECTMEN
MINUTES OF 11/2/10

town's half in his 2011 budget. The Seabrook Contract for the generator should arrive soon. As soon as it is signed and sent back we should get a check within 30 days.

The Selectmen reviewed a few options for the highway budget including different salary alternatives for Bill Lord. The mowers salaries were also adjusted to more accurately reflect the number of weeks they work, reducing it from the 28 that was budgeted to 20. In addition, the heating/oil line was reduced to \$5,300 to more accurately reflect YTD actual expenditure and the 2009 actual. The Board decided to wait until after the COLA/Salary discussion with the Budget Committee to make a decision.

Julie presented the proposed finance budget. The Treasurer is being level funded; the Bookkeeper/Clerk salary includes no increase in the rate but does include an increase in hours from 27 to 30 to free up some time for the Town Administrator to prepare financial reports. The audit expense is being reduced by \$1,500 to reflect the preparation of the financial reports internally. Again, the Board decided to hold off on voting until after meeting with the Budget Committee.

Selectmen/Budget Committee Meeting

The Selectmen met with the Budget Committee members to discuss COLAs and salaries. Bryan said it is tough economic times out there and he feels there should not be a COLA this year. Budget Committee chairperson Elyse Seeley reported that she asked Tax Collector Phyllis Thompson to report on the number of bank owned properties in town this year as compared to last and we have 13 this year and 4 last year. She continued that this shows that the situation out there is not any better. Seeley added that on top of this we anticipate less revenue from the state, reduced valuation, the fire station bond to start paying and increase in NH retirement payments. The budget committee is actually considering cuts to the budget, not just level funding; they will look at each budget individually.

The Selectmen commented that if they go with no COLA and consider increases based on merit that the evaluations need to get tightened up; not many of them are real. Boxes are checked off but there are very few written comments. The merit increases should be based on service above and beyond or additional responsibilities. Budget committee member Ken Christiansen said that he thinks to keep good employees we need to give them an incentive to stay. Johnston responded that he doesn't know of too many people in the private sector that are getting raises; they are just happy to have their job period. Johnston said he agrees with Bryan that there should not be COLAs this year but that there are some cases for good employees to get increases based on a true analysis of their work; not based on the personnel evaluations because they are not working. Artimovich and Bryan agreed that the evaluations are not working. Bryan said that honestly we have a lot of smart individuals that run our departments but there are also a lot of departments that are dysfunctional, the way they are managed. He continued that our review process is done based on someone's personality vs. what their qualifications are. Bryan said he thinks we always worry about paying out too much for someone that is really qualified to handle the position so what we've really created is a dysfunctional town management system. Bob Mantegari of the budget committee stated that he works in the private sector

BRENTWOOD BOARD OF SELECTMEN
MINUTES OF 11/2/10

and he hasn't got a raise the past 3 years. If you're upset that you're not getting a step increase or COLA, there are a million people standing in line ready to take that job that would do it for a lot less.

Malcolm Allison of the Budget Committee said there are 4 issues about the town employees: 1) COLA or no COLA 2) Merit/step increase 3) Additional funds to make up the NH retirement increase 4) Health care costs. Allison commented on each of these as follows: 1) It is difficult to have a COLA across the Board. 2) A good employee deserves an increase of some sort even if it is a very small number. 3) Most people in industry have to contribute to their own retirement. 4) In industry, if health insurance costs increase the employees have to contribute more. Johnston noted that health insurance costs are actually going down this year.

Artimovich said if we're not going to give steps every year we should just get rid of the step plan and just have a flat percentage based plan. That way they can give some employees 1% and others 3%, for example. Johnston said that before we throw that step plan away we have to change the whole evaluation system.

Johnston asked for a consensus and most responded no COLA. Regarding salary increases, Bryan said we've never done a true "flat" year with nobody getting a COLA or other increase. Menter confirmed that hasn't happened in the 8 years he's been on the Board. Bryan suggested in these tough economic times that we make a point to the townspeople that "we hear you" and we're not giving any increases. Bill Faria of the Budget Committee commented that even with no increases, we still have to cover the increases in the retirement system. Bryan agreed and said that we may actually have to look at cutting services; there isn't a department in this town that can't be leaned up. Byrne responded that she is OK with no COLA but believes there are some employees that definitely deserve some consideration. Bryan questioned whether Byrne, as a town employee, should be discussing employee benefits. Byrne replied that she is there as a Selectmen. Christiansen said he is on board with no COLA and giving merit increases for the employees that deserve it, even if it is just a ½%. The majority of the group was agreeable to no COLA and merit increases where they are deserved. Seeley said she is also in favor of doing away with the step increases. Johnston added that we would then have to revamp the whole evaluation process. Artimovich said he would also want to require that any department heads that want to give a merit increase to an employee submit a letter to the Board of Selectmen because the current evaluations are created with "pixie dust (from fairyland)". Byrne cautioned that the evaluations are new over the past couple of years and the department heads were just handed the papers and asked to complete them without any training. Johnston responded that they are pretty self-explanatory and there are areas for written comment but the department heads generally just check off the boxes. Bryan said the problem is that the town employees, no matter what level they are at, have become friends and that is how we've ended up with evaluations that look like they were created from pixie dust. Allison added that the supervisors need to become managers instead of being friends. Artimovich made a motion, seconded by Bryan, to give no COLA and give merit increases where deserved. Johnston, Artimovich, Menter and Bryan voted in favor; Byrne initially voted in favor

BRENTWOOD BOARD OF SELECTMEN
MINUTES OF 11/2/10

then stated that she will abstain as she is an employee. The Selectmen thanked the Budget Committee members for attending.

Bryan updated the Board on the situation at the new Fire Station. The State Fire Marshall was brought into this situation and never should have been. There are a bunch of other fire houses in other towns that have been built that aren't compliant. He continued that we have to decide if the building is going to be an EOC or not. If not, don't take the Seabrook grant money for the generator. If it is deemed to be an EOC, take the money but then what you're creating is a whole new situation with more requirements because of code 708. Either way, we're going to have to have the sprinkler pump work off the generator. If we want to move into the building as it is, we're going to have to go into a legal battle with the State, said Bryan. Johnston inquired how much it would cost to correct the problem. Bryan responded \$300,000-\$400,000 to make it 708 compliant, all because the Authority Having Jurisdiction (AHJ) didn't think it through before he called in the state. Regarding a letter that was sent to the Board from the AHJ, Bryan commented that he does not like being pontificated to and this never would have happened if he (the AHJ) didn't go over everyone's heads and feels he should resign. Fire Chief Lemoine said he thinks it is a bit more complicated than that. He continued that he believes we have to have an EOC in town. Artimovich asked if we could turn the Community Center into an EOC. Lemoine said there would need to be radios in there. Bryan added that it would also require separate air conditioning and heating as well. Lemoine said you could leave the EOC in the existing fire station but then you would have to heat the building. Johnston questioned what makes it a requirement to have an EOC. Lemoine responded Seabrook Station and our emergency plan that the town developed. Bryan added that at this point the State has been made aware of the situation that this is going to be our EOC and the only way around it may be to give back the Seabrook funding and State funding for the EOC generator. Bryan said the State Fire Marshall is willing to talk with the fire consultant and members of the Town on a daily basis, if necessary, to come up with a solution to our problem. Bryan recommends finishing the fire house as it stands so we don't get into a legal battle with our contractor as well. Byrne said she feels the contractor went down this road with us and had the opportunity not to close everything in when he knew there was a problem. Lemoine commented that we have to decide if we want to fight the State or fight the contractor since he was responsible for meeting state building codes. Stevens said she spoke with Town Counsel a bit about that and was told if it was not specified that the sprinklers need to run off the generator in the bid request, you can't expect the contractor to pay for it. Lemoine said he believes our specs did say that the generator will run the entire building. Bryan agreed that they did but said that the AHJ gave the contractor permission months ago to go ahead with the current generator. Lemoine said that doesn't matter, the specs say it will be code compliant. Johnston said that we're talking about a 1/2 million dollars to fix it. Bryan said that is correct by the time you tear out sheetrock, tear out the electrical room, run separate heating and air conditioning lines into the EOC, and tear up carpeting and flooring. Johnston said neither the Town nor the contractor can be stuck with a \$300,000-\$400,000 fix. Byrne suggests we meet with the Fire Marshall. Bryan said that unfortunately Mr. Clark will only talk with the Chief. Johnston stated he feels we should fight the State since we can point to several other fire stations in the state

BRENTWOOD BOARD OF SELECTMEN
MINUTES OF 11/2/10

(Portsmouth, Dover, Gilmanton) that have recently been built and they didn't make them be compliant; how can they make us be compliant. Johnston asked Bryan what he thinks the next step should be. Bryan said it is not going to be an overnight solution; he will continue to work with the fire consultant. Byrne asked to bring in the people that won't cost us anything and sit down to discuss it and come up with a game plan. Johnston said that we need to have our ducks in a row before we talk with the Fire Marshall and the others. Lemoine said he thinks we have to go after the contractor. Artimovich said this is going to ruin this construction company and he doesn't mind doing that if they deliberately did something but they acted on a verbal agreement. Bryan said he is getting information daily regarding the matter and he should have a lot more to share with the members at the next meeting.

Artimovich reported that Chief Robinson came to him and told him that a piece of Town property on Pickpocket Rd has been posted and asked for permission to take down the signs. Artimovich made a motion, seconded by Bryan, to remove the "No Hunting" signs from parcel 213.030.001. All voted in favor.

Duane Demeritt and Wayne Robinson were in to speak with the Selectmen about a personnel issue. Duane Demeritt was asked if he wanted to go into nonpublic session and he responded that he did not. Robinson explained that he gave Demeritt a reprimand for giving the wrong information to the resident at 20 Peabody Drive. Demeritt refused to sign it so Robinson suggested he come in to see the Selectmen. Menter questioned how this complaint got started. Stevens said it started with a call to the Selectmen's office. Demeritt explained that at the time this all happened he and Bill Lord were working at the intersection of South and Lake Roads. An individual stopped and asked Demeritt if he would look at 20 Peabody Drive for the entrance of the driveway. Demeritt and Lord went to the location and explained that the way it is right now, before anything had been disturbed, is the way it's got to be when he's done. He also told him that the culvert that is there is RCP and that is what the town requires, as is written in the statements from himself and Bill Lord. Demeritt continued that the guy had a 20' section of plastic pipe sitting there and he told Demeritt that is what he was going to use. Demeritt told him he can't tell him he can't. The resident then asked him why the town doesn't use plastic and Demeritt told him and he doesn't think it's right. Johnston said we're not here to discuss whether or not the town should require RCP. Johnston continued that he just should have told him he has to use RCP. Demeritt responded that that is what he told him. Johnston said Lord's statement says that the individual said he wanted to use plastic pipe and Demeritt stated that it was entirely up to him. Demeritt said he couldn't tell the contractor he couldn't. As a Town official, Johnston explained to Demeritt, that if he tells the guy he can do whatever he wants then the guy is going to think he can. Johnston said he should have told him he needed a permit. Demeritt asked where the ordinance is for permits that states that an existing driveway needs a permit. Johnston said it is on pg. 39 in the blue section of the Zoning Book and proceeded to read the ordinance. Demeritt argued that the resident did not alter the driveway. Johnston explained that by replacing the culvert and putting a plastic pipe in there he is altering it. Artimovich clarified to Demeritt that the problem is that he initially told him (the individual at 20 Peabody Dr) up front that he had to use RCP and then should have just left out "do what you want".

BRENTWOOD BOARD OF SELECTMEN
MINUTES OF 11/2/10

He continued by advising Demeritt that he is an agent of the Town, whether or not he had authority to be at that time, and he needs to portray the Town not his own opinion. Menter questioned what the purpose of the reprimand is. Johnston explained that it is to explain to Demeritt what his duties are and that he is suppose to comport himself as a representative of the Town and not put any of his personal feelings in there. Demeritt said that nobody contacted him when this all came up. Bryan explained that as a Board they discuss employee issues with the department heads. Johnston said they spoke with Robinson about it and as he recalls, Robinson was in agreement with it. Robinson responded that the Board did go over all of it with him and told him that he should reprimand Demeritt so he followed those orders. Demeritt said he doesn't have a problem with the reprimand but that Robinson was on vacation and he (Demeritt) wasn't given any courtesy or professionalism to get questioned on it. Johnston explained that regardless of whether or not Robinson was on vacation, he is still Demeritt's supervisor. Artimovich said they spoke with Robinson hoping he would talk with Demeritt; they don't want to bring every employee in on an employee matter. The Board discussed how long the reprimand would be in his personnel file. Byrne said one year, Artimovich said until the next evaluation process. Bryan explained that the problem is that when we created this whole process the Board wanted to maintain a certain amount of records for a time and that down the road you can refer to the record to see if the same mistake is made twice. They agreed that it should remain in the file indefinitely.

At 8:30 p.m. a motion to adjourn was made by Bryan and seconded by Menter. All voted in favor.

Respectfully submitted,

Julie Stevens