

## Selectboard Minutes

March 21, 2023

Present: Andy Artimovich  
Jennifer Jones  
Paul Kleinman  
Jon Morgan (via zoom)

At 6pm, Artimovich called the meeting to order.

The Board reviewed payroll and accounts payable then signed the register.

Artimovich welcomed Kleinman to the board.

Jones motioned, seconded by Kleinman, to allow Morgan to attend remotely. All were in favor.

Artimovich motioned to name Jones as Chair. Morgan seconded the motion. Kleinman – aye; Morgan – aye; Artimovich – aye; Jones – aye.

Morgan motioned, seconded by Jones, to name Artimovich as vice-chair. Morgan – aye; Kleinman – aye; Artimovich – aye; Jones – aye.

Artimovich motioned, seconded by Morgan, to accept the consent agenda which consisted of public minutes from 03/07/2023, recreation manifest, treasurer's report (found at the end of these minutes), and the following building permits:

- James & Wendy Kennish, 36 Middle Road, Building
- James & Wendy Kennish, 36 Middle Road, Electrical
- Robert Cole & Letty Bedard, 198 Middle Road, Electrical
- Kenneth & Erika Brown, 77 North Road, Electrical
- Nicole M Reed Rev Trust, 18 Ole Gordon Road, Electrical
- FZMH, 178 Route 125, Building
- 3 Ponds LLC, 83 Three Ponds Drive, Building – New Dwelling
- Doug & Sally Finan, 1 Gove Road, Electrical
- Northern Elastomeric, 61 Pine Road, Sign
- Derek Smith & Lydia MacDonald, 36 Lake Road, Building
- Mario & Pamela Winter, 8 Three Ponds Drive, Electrical
- Curtis & Marjo Rousseau, 90 Prescott Road, Electrical
- Dylan Lee & Ji Yi Park, 26 Lyford Lane, Electrical
- Janice & Erasmus Asamoah, 40 Lake Road, Electrical

Morgan – aye; Kleinman – abstain; Artimovich – aye; Jones – aye.

Karen Clement, Town Administrator, shared with the board that Eric Canty has a meeting planned for Thursday with DOT, executive councilor Janet Stevens, and the police chief to be held at the Recreation Center regarding the Route 125/South Road intersection. Clement explained Canty is requesting a waiver of the rental fee. Artimovich motioned, seconded by Morgan, to waive the \$100 fee. Morgan – aye; Kleinman – aye; Artimovich – aye; Jones – aye.

Clement explained to the board that State Representative Eric Turer would like to host open office hours that allow him to meet with the town residents. He would like to utilize the Cross or Sanborn room. Clement explained with inconsistent meeting schedules, it would be difficult to coordinate someone would be here every time Turer is at the building. She requested the board grant permission to give Turer a key and alarm code. Jones asked if the intended hours would be evening hours outside of normal business hours. Clement responded yes. Artimovich asked if it would just be front door access. Clement affirmed it would be. Kleinman motioned, seconded by Artimovich. Morgan – aye; Kleinman – aye; Artimovich – aye; Jones – aye. Clement will connect with Turer to get him a key and an alarm code.

Daphne Woss, Town Clerk/Tax Collector, was present to offer an election update. She thanked the election workers and selectboard members for all their help. Woss expressed her disappointment with the actions of residents for verbally attacking and being disrespectful

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toward town employees. She encouraged the board to support the town administrator and requested people to treat others respectfully.

Clement explained that because the proposed budget of \$5,525,898 was amended on Saturday at Town Meeting creating a \$170,848 deficit, there is a need to adjust budget lines. She outlined how she feels the budget can be adjusted and still protect the employee's wages. She explained the proposed budget changes as follows:

- Eliminating TAN (Tax Anticipation Note) for \$30,000
- Reducing Government Building: Building Maintenance line by \$18,050
- Eliminating \$ 27,798 from the Benefits: Healthtrust line which serves as a contingency for unanticipated employee's changes
- Utilizing \$10,000 from the Highway: Salt line which can be offset by using the money from the expendable trust fund
- Utilizing \$20,000 from Highway: Road Construction by delaying hiring for 2½ to 3 months
- Utilizing \$40,000 from the police salary line which can be accomplished due to an officer being deployed
- Utilizing \$20,000 from the fire budget from the radios, salary, fuel and heat lines
- Utilizing \$5,000 from the Library Programming line by reducing programming

Additionally, the road agent, Wayne Robinson, has proposed closing the recycling center from Memorial Day through Labor Day to reduce dumpster rental costs, compaction fees, hauling fees, tonnage disposal, and reducing staff overtime. Jones asked if Clement knew the expected savings. Clement responded it would depend on the tonnage, but there are some fixed cost including \$250/month for the dumpster and staff overtime at 6 hours per week. Jones asked if the decision to close should be voted on now or if/when it is needed? Clement responded if it is voted on now, it will allow time for notifying residents and making arrangements.

Morgan asked if the vote could occur next week when the full board is in person or if that would affect something. Kleinman asked how the numbers were decided. Clement explained she worked all day on Sunday to come up with some ideas for budget changes and then met with department heads Monday afternoon. She explained her goal is to protect employee salaries and benefits.

Artimovich explained to Kleinman the board is responsible to meet the bottom-line budget number, but it cannot be dictated by the residents on how the money is allocated.

Morgan requested the vote be tabled until the full board can be present in person if there would not be a major impact. Jones asked Clement if there would be issues if the board delayed a vote until next week. Clement requested a vote tonight that could reassure the employees that staff and salaries would not be affected.

Morgan motioned, seconded by Kleinman, to support budgetary changes that will not affect staff and salaries. Morgan – aye; Kleinman – aye; Artimovich – aye; Jones – aye.

Chief Ventura thanked the board for their vote. He expressed his appreciation.

Jude Gates, Rockingham County, was present to address the board to request waiving the permit fee. Gates explained the project has been in the works since 2017, but has been affected by wetland issues, DES, an endangered bird, among other issues. She shared there is a plan to install a Solar Array offering \$600,000 in savings from the first year. Additionally, Gates added, the space where the registry of deeds is located is in a rental space inside the county courthouse. She explained by bringing the registry of deeds into the new complex, the county would be saving about \$250,000 a year.

Gates explained the NH state fire marshal's office could do the inspections of the project. Kate Coyle, Rockingham County Commissioner, was also present. Kip Kaiser, Building Inspector, explained to the board RSA 674 outlines the town's responsibility when it comes to permitting and inspections. He explained he has not reviewed the plans, there is not money in the budget for additional outsourcing of inspections, but assured the board it is doable if that is the direction they lean.

Kaiser explained the RSA states you need a permit and to have the project inspected. He is leaving it up to the board to decide how they would like to proceed. Coyle responded the county has never gotten any permits for their building projects. She claimed the state has not gotten permits either. Kaiser explained the state and universities are exempt from being mandated to get a permit under the RSA.

Coyle explained they do not intend to go through the permitting process. However, if there was a need for Kaiser or the fire department to

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do an inspection, the county would be willing to reimburse them for their time on inspections. Kaiser expressed his concern on the legality of waiving fees. Artimovich stated he believes the county was not anticipating permitting costs. Kaiser responded he had spoken with the company who is managing the project – Harvey Construction. He explained to the board the fee structure was outlined in depth to them and believes it was built into the bid.

Morgan asked if NHMA or town counsel had been consulted on the permitting requirements. Clement responded the town has reached out and their legal opinion is that the county is not exempt from the building permit process. Kleinman read from statute 155-5:A IV that any municipality that has adopted an enforcement system under RSA 674:51 may require permitting. Artimovich asked if Kaiser has time for the project. He responded based on the current budget and staffing; the budget would be overrun. Kaiser stated there is a path to completing the inspection process if that is what the board opts to have him do.

Jones asked if Kaiser sees a downside to outsourcing this work to the fire marshal. Kaiser responded he does not see a downside and the RSA allows the selectboard to request the fire marshal's office to handle the inspections. Gates explained someone from the County has reached out and asked the fire marshal's office if they would be willing and stated they are. She further explained they need to be asked. Clement added that it would need to be the selectboard making that inquiry.

Jones asked Kaiser if he was opposed to having the fire marshal handle the inspections. He responded he is not opposed. Kaiser expressed concerns only from the legal aspect. Clement stated she can send a letter to the fire marshal and requested Gates get her the contact information.

Kaiser explained to the board that the town has impact fees and may be obligated to collect from the county. Jones asked if it is tied to the permitting process. Clement responded yes and no. For commercial space it goes by square footage. Jones suggested that issue be clarified before a vote occurs. Coyle suggested there would be a reduction in impact in a practical matter because people are just being relocated from one place in Brentwood to another.

Artimovich motioned, seconded by Morgan, to have the Selectboard contact the NH fire marshal's office to see if they are willing to inspect the County's project. Morgan – aye; Kleinman – aye; Artimovich – aye; Jones – aye.

Paul Lorenti, President of New England Dragway (NED) was joined by Lydia Perry, Assistant General Manager of NED, and Beth Boepple, Legal Counsel for the Dragway to discuss their permit for New England Dragway. Lorenti explained there are approximately 180 stockholders who in the 1960's built races for racers. He stated the stockholders have received one dividend in 57 years. Lorenti explained the stockholders have passion and are not in it for the money. He claimed NED is one of the safest tracks in the country. Lorenti stated they are present to find out why the town is "pushing back" at the Dragway.

Jones acknowledged there were some meetings that may have occurred in the past with various people. She recognizes the board has not been previously represented at those meetings. Jones explained she is hoping for a resolution and a way forward.

Perry stated she believes there were some performance issues with Brentwood PD in the past. Lorenti does not believe the track is pushing back. Jones stated the RSA regarding roadway policing allows for the police chief to be responsible for the safety of Brentwood roads.

Lorenti stated a few years ago, an agreement was made that Brentwood would do 2 days of details and Epping would do details 2 days. Artimovich responded he worked for Brentwood PD 20 years ago and he was doing details at the Dragway.

Chief Ventura, police chief, stated he recently learned NED contracted another department to handle all policing inside and outside the track. Boepple confirmed that was accurate and factual information. She claimed the Dragway does not find Brentwood PD reliable.

Jones asked Ventura to speak to the legality of another town policing Brentwood's roads. Ventura responded RSA 105:9-3 dictates it is the town's responsibilities to police their own roads. He explained when an incident occurs on Brentwood roads, it will be the Brentwood PD who is contacted. Ventura explained he asked Lorenti for permission to handle the details in a way he feels is best for the safety of the public and the officer on detail.

Lorenti acknowledges there have been traffic situations. He explained the Dragway has made some changes to attempt to stagger

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vehicles.

Boepple stated she believes the previous conversations with the chief have been frivolous. She claims Ventura was unwilling to hear from people with knowledge. Boepple stated the problem is that Chief Ventura “wants to do it his way”. Jones stated the Selectboard backs the Chief 100%. Boepple responded the Dragway would need to find another way forward. Jones explained the board supports Ventura’s decision and stated the law dictates it is Brentwood’s responsibility to police Route 27. Boepple read RSA 105:9 and claimed she believes Ventura is overstepping because the event must create traffic related problems, create public disturbances, or endanger public health.

Artimovich asked Boepple what RSA gives you the authority to regulate traffic on a state highway. He asked what RSA authorizes the jurisdiction, other than Brentwood, State Police, or County law enforcement to control traffic in the town of Brentwood. Boepple responded she read the RSA. Artimovich asked what authority NED had to sign that contract.

Kleinman stated the statute authorizes the Chief to handle the policing of Brentwood roads. He stated the RSA specifically says “shall” have the authority. “Shall” is a mandate. More discussion ensued. Jones stated the reason there seems to be an issue is because it does not appear to be legal for NED to contract another town to police Brentwood roads without our Chief’s involvement. Boepple suggested the board get legal counsel from someone other than a board member. Ventura explained town counsel has been consulted. Boepple wanted to know why they had not contacted her.

Andrew Avelis, Haigh Road, stated he is a stockholder and has offered to be a liaison to the track to sit and meet with the Chief. When asked by Jones if Avelis serving as liaison is acceptable, Lorenti responded he would sit down and talk about it with Avelis.

Morgan requested the board reemphasize that the board relies on the police chief to maintain public safety.

Jones closed the public discussion portion on the NED topic. She stated she believes everyone at the table desires a resolution.

Artimovich stated the Budget Committee will be meeting on Monday, March 27<sup>th</sup> at 6pm in the Cross Room. He explained he cannot attend as he has class that night and requested another Selectboard person attend in his place until a new representative is designated. Jones agreed to attend in Artimovich’s place.

Morgan had no committee updates.

Jones had no committee updates.

Bill Faria, South Road, loudly expressed his disappointment in how the meeting is run. He shared he believes residents have a right to speak throughout the meeting and not be required to wait until public comment at the end of the meeting. He claimed there is no transparency to discussions and expressed his frustrations.

Betsy Ibbitson, Scrabble Road, expressed her disappointment in residents not being able to be respectful to the board and to each other. She reminded everyone they are adults and should act like one. Ibbitson suggested to the board they allow people to speak at times during the meeting, as they may have helpful input. She recognizes that residents are sometimes out of line making it difficult for public comment to occur throughout the meeting.

Jim Michaud, Route 125, asked if the Rockingham County building being constructed is planned to be a halfway house on North Road. Artimovich responded it will be a municipal building which will house the sheriff’s department, county attorney, county community corrections, and registry of deeds. Michaud asked what the amount of fees would be if the town decides to waive permitting fees. Artimovich responded it is estimated to be about \$30,000. Someone from the audience stated it would be \$42,000.

Becky Dunham, Block Drive, asked how many building permits there were this week. Clement responded there were 14 this week. Dunham stated she read in the town report there are \$350,000 in back property taxes. She asked how the money is recouped. Clement responded there is a process, and the board does not get involved until property is deeded. She suggested Dunham speak with Woss about the process. Lastly, Dunham asked about the details of the grant for housing that was spoken about at Town Meeting. Morgan responded it was something the Planning Board sought, not through the Economic Development Committee. He encouraged Dunham to speak to the Planning Board for more information. Morgan reminded people the Planning Board meets the first and third Thursdays of each

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month.

Lois DeYoung, Crawley Falls Road, requested Kleinman answer the grant contract information. Kleinman did not feel comfortable responding with information “off the top of his head”.

Eric Trump, Ole Gordon Road, stated the fire marshal’s office could do some of the inspections. He asked who would handle electrical or plumbing inspections. Jones responded she believes it would be a third-party vendor.

Carole Belliveau, Mill Road, asked Kleinman if he plans to give up his Planning Board seat. Kleinman responded he would willingly serve as the Selectboard rep if that is what the board thought was best. Jones asked how much longer his term was. Kleinman responded he has 1 year remaining.

Letty Bedard, Middle Road, asked if the lines in the budget referred to earlier in the meeting were going to be zeroed out or reduced to \$1. Artimovich responded the lines should be \$1. She read from a town ordinance that stated impact fees are prompted by the building permit.

Bill Faria, South Road, apologized to the board for his outburst.

Liz Faria, South Road, asked if the recycling center was going to be closed. Jones responded it is proposed. Faria asked if the employee’s schedules could be posted outside each door. Clement responded the department hours are posted. She explained that if an employee is not in their office, it does not mean they are not working. It could be an off-site meeting, picking items up for an event, an inspection, or some other thing that takes them from their office. Jones added that services are not being affected by remote days.

Lois DeYoung, Crawley Falls Road, argued hours are not posted.

Clement shared with the board there was a current use bill for all Tanya Lane properties. An oversight of the developer was the payment of one of twenty bills. He is requesting the waiving of the interest. Clement explained the developer has done other projects and has been timely in all his other payments and the bill connected to the interest has also been paid. Artimovich motioned, seconded by Kleinman, to waive the \$1486.85 fee. Morgan – opposed; Kleinman – aye; Artimovich – aye; Jones – aye. Motion passes.

Before the adjournment of the meeting, Morgan requested something be done about the constant badgering and attacks against town employees. He wants the behavior to stop. Morgan requested the board figure out a way to publicly support the employees for their reliable services, how they step up with bad weather and on weekends.

Artimovich motioned to adjourn. It was seconded by Morgan. Morgan – aye; Kleinman – aye; Artimovich – aye; Jones – aye. The meeting adjourned at 7:49pm.

Respectfully submitted,

Tamera Peek

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WEEKLY TREASURER'S REPORT

DATE:

3/21/2023

**General Fund:**

**TD BANK**

Previous Balance:	5,615,923.89		
Deposits:	60,729.28		
Payroll:	30,210.87	DDP: \$27,077.17	
		CHK: \$3,133.70	
FICA:	6233.97		
A/P:	43,360.65	Reg A/P Cks \$43,360.55	NHRS \$
		Swasey \$	CO-OP: \$
Stop Payment CK 47795	(217.00)		
Admin CC Pd			
Trans to Rec CC			
Account Balance:	5,597,064.68		
Interest Earned YTD:	33,926.41		

Joyce A. Gallant, Treasurer