



TOWN OF
BROOKLINE, NEW HAMPSHIRE

BOARD of SELECTMEN

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Minutes
Board of Selectmen
Monday, February 28, 2011

Selectmen Linda Saari, Clarence Farwell, Kevin Gorgoglione and Tad Putney were present.

Public Input

Nancy Foster questioned a letter the selectmen received about the police chief. **Linda** said the selectmen will address that issue tonight.

Linda thanked Ann Somers for the pictures on the cover of the Annual Town Report. It came out very well.

Linda thanked Sue Adams for working on the LighTec contract. **Sue** said LighTec will sign the contract tomorrow and hope to get the replacement lights installed by April.

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Clarence moved, seconded by Tad to approve the minutes of February 14th. Voted yes 3-0

Tad moved, seconded by Clarence to approve both the public and non public session minutes of February 21st. Voted yes 3-0.

Police – NHRS

Tad said he talked to two representatives of the NH Retirement System last Tuesday and received a call on Friday. He said we're not the only town looking at this issue of a police chief working and receiving his pension. It may be a couple of months until we hear from them on their decision. **Tad** said Bill Quigley was not considered full time as far as state liquor enforcement was concerned. NHRS does not use the state guidelines but uses the town's definition of full time. Our Personnel Plan currently uses 35 hours as full time. The police union members are considered full time if they work 40 hours or more weekly and non union is 35 or more hours weekly. **Tad** said it made sense to change the definition of full time and part time for the police department in the personnel plan. The NH Retirement System said it was in the purview of the Board of selectmen to make this change. **Linda** said it was misunderstood when interviewing Bill Quigley. **Tad** said the Chief isn't allowed to donate hours to the town. **Tad moved, seconded by Clarence to modify the Brookline Personnel Plan to change the definition of Full Time Employee to: One who is scheduled to work for the Town of Brookline 35 hours or more per week on a regular basis, except for employees of the Police Department. "Full-time" applies to those police personnel who are scheduled to work 40 hours or more per week on a regular basis. Change Part Time Employee to: One who is scheduled to work for the Town of Brookline less than 35 hours per week on a regular basis, except for employees of the Police Department. "Part time" applies to those police personnel who work less than 40 hours per week on a regular basis. Voted yes 3-0.**

Linda said there was a side bar agreement with Officer Nicosia when Kurland was Acting Chief. Nicosia was a part time officer but worked full time hours set at 40 with health and dental benefits for a period of time.

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Tad said the retirement system suggested a memo to the Chief explaining there are no exceptions to the 39 ½ hours. *Clarence moved, seconded by Tad to authorize Linda to sign the memo to Chief Quigley, Voted yes 3-0.*

Tad said the contract with Chief Quigley is being amended to 37 hours. *Tad moved, seconded by Clarence to authorize Linda to sign the Amendment to the Employment Agreement with Chief Quigley. Voted yes 3-0.*

Tad said the NH Retirement System suggested that the selectmen decertify the position of Police Chief as full time. *Tad moved, seconded by Clarence to authorize Linda to sign the letter to decertify the position of Police Chief from full time status. Voted yes 3-0.*

Pat Lynch asked what hours the chief will be working and in an emergency whether the chief has to leave after 39 ½ hours. **Tad** said we don't know what the Chief's hours will be and yes, he would have to leave after 39 ½ hours. **Sue Adams** asked if we could check with other towns and how they address this situation.

Clarence said the town is always looking for volunteers and here we have someone who wants to work and volunteer some time and he can't. **John Carr** said one of his police chiefs in Brockton MA had a limit of 40 hours but when he exceeded the hours, he would take the next day off. **Nancy** asked whether the Chief could bank his extra hours. **Tad** said we would have to check on it.

Kevin arrived at this point. He was caught up on what had transpired so far.

Linda noted that one of our part time officers Rance Deware, who is also a part time officer in Mont Vernon had a serious accident in Mont Vernon over the weekend. Rance had to be cut out of the vehicle. Chief Quigley talked to the Police Chief in Mont Vernon and an agreement was made to loan our unmarked 2003 cruiser to Mont Vernon for a maximum of three weeks. There is no issue with insurance as LGC insures both towns. Mont Vernon has three cruisers; one lost its transmission, one was rear ended and the third was in the accident.

Tad reported that Brookline is receiving grants for 43 DUI, Hunter and Radar patrols this year. We received grants last year for 6 patrols.

Linda read a Statement Regarding Police Chief Quigley's Pension and the selectmen's steps taken tonight.

Based on the question last week on non public sessions **Linda** read the reasons for non public sessions under RSA 91-A: 3, II:

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any such application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

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(d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interest are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

(f) Consideration of applications by the adult parole board under RSA 651-A.

(g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county correctional facilities by county correctional superintendents or their designees.

(h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.

(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

(j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

Linda read section III. Minutes of meeting in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Linda said all minutes that have been sealed were unanimous votes of the Board.

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Unseal Minutes

Clarence moved, seconded by Tad to unseal the following non public minutes:

*April 12, 2010, re: police;
May 24, 2010, re: Conservation Commission;
June 7, 2010, re: police;
October 18, 2010, re: police;
November 29, 2010, re: police;
January 24, 2011, re: police.
Voted yes 4-0.*

Ice Skating

Tad reported there were 54 days of skating since December and thanked all the volunteers who helped make it a success.

Municipal Budget Law

Linda read from the publication "Knowing the Territory" noting that with the Municipal Budget Law town meeting cannot exceed the total amount recommended by the budget committee by more than 10 percent even if they want to exceed it. She said the Municipal Budget Law was a warrant article in 1986 and it was defeated.

Gen. Business

Approved warrants for payment.
Meeting adjourned at 8:10 pm.
Minutes submitted by Rena Duncklee.

Linda A Saari

Clarence L. Farwell

Kevin J. Gorgoglione

Tad Putney

Jack B. Flanagan