



**TOWN OF
BROOKLINE, NEW HAMPSHIRE
SELECTBOARD**

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*Minutes
Selectboard
Monday, February 6, 2023*

Selectboard members present: Eddie Arnold, Brendan Denehy, Dana Ketchen, Steve Russo, and Ed Perry, along with Town Administrator Scott Butcher. Also present: Jeffrey Stewart and Brian Rater.

6:30pm Eddie opened the meeting with the Pledge of Allegiance and read the ground rules for hybrid meetings.

Public input and announcements

Brian said due to changes in the RSA's, the Cemetery Budget Funds (tax dollars) will now be maintained in the general fund like all other departments and will no longer be moved to the Cemetery Trust Fund checking account. He said you will now see budget expenses on the warrant from the Cemetery Trustees for approval by the Selectboard. **Brian** said the checking account will only be used for the Cemetery Trust Funds and managed by the Trustees of the Trust funds, but the tax dollar expenses will be paid from the general fund. **Brendan** reminded everyone that the Brookline School District meeting is this Wednesday at 6:30pm at Captain Samuel Douglas Academy. **Ed** noted babysitting services will be available onsite during the meeting. **Scott** said 144 pages of the town report draft were delivered today with a total of 216 pages with the school. He said it was a big effort by a lot of people with the budget hearings being pushed out a week because of snow, it compressed our ability to have the information for the report, so it was a little bit of a mad rush, but we met our deadline. He also reminded people that the Town Offices will be closed for President's Day on Monday February 20th. **Eddie** thanked **Scott** and **Sharon** for getting the report out and said it was certainly a site to be seen here on Friday. **Eddie** reminded people that Town elections are just a few weeks away on March 14th with Town meeting on March 15th.

Approval of Warrants

Steve moved, seconded by Ed, to approve Accounts Payable Warrant #5 in the amount of \$1,229,861.33 and Payroll Warrant #6 in the amount of \$79,091.90; Voted Yes 5-0.

Approve Minutes

Brendan moved, seconded by Steve, to approve the public meeting minutes from the Monday, January 30th meeting as written; Voted Yes 5-0. Steve moved, seconded by Ed, to approve 9 sets of the non-public minutes from the Monday, January 9th meeting as written; Voted Yes 5-0.

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Discuss Town Counsel's Opinion on RSA 91-A Violation

Brendan referenced Lemony Snicket's "A Series of Unfortunate Events" when framing what has happened in the last few months. He said the Board was stressed, after a long year, and unfortunately there was a late non-public meeting in October of 2022 with a contentious discussion and tempers were frayed. He said at our November 1st meeting a member of the Board prepared remarks and spoke about the actions and behaviors of the Board and unfortunately referenced a non-public topic. We had a meeting on November 14th where an agenda item on Board Rules, shifted into a heated discussion of the November 1st meeting, and unfortunately that non-public topic was mentioned several times including by himself, and he apologized for doing that. He said the Board then voted to have our attorney review the November 1st meeting. In December the attorney met with the majority of the Board to discuss the findings and the plan was to discuss this at the next Selectboard meeting. At the December 12th meeting **Brendan** said he motioned to release the findings but withdrew the motion when he realized the non-public topic was referenced several times yet again. He pulled the document out and planned to redact it but never did. Unfortunately, we got into the end of the year and used the budget hearings as reasons not to discuss this, and while that was, for him, a good thing, it was avoiding the responsibility of the Board. We are here tonight to discuss this, acknowledge what happened and find a way for the Selectboard to recover and regain the trust of the residents and our employees, and make sure this never happens again. He hopes we can take a series of unfortunate events and move them toward fortunate because he hates Lemony Snicket books because he likes a happy ending. ***Ed moved, seconded by Steve, to waive privilege of confidentiality.*** **Ed** said most people are aware of what happened and were aware we were going to seek town counsel to clarify. He said he feels it would be improper to hold that back from the people so in the interest of transparency he moved to waive privilege and release the findings. **Brendan** reviewed the document again and said his problem with releasing it is because, again, it refers to the non-public topic several times. **Dana** said her problem with releasing the document is that due process has been violated and if the document is released it would trigger a response in kind. **Ed** said what kind of a response. **Dana** said she would request that due process be followed because there has not been due process. **Ed** said what elements of due process just so we understand. **Dana** said the person who is under accusation has a right to share their side of the story and that has not been done. She said the majority of the Board met with town counsel, and clearly she wasn't invited so due process has been violated. **Ed** said whose job was it to redact this document. He said twice now it was supposed to be redacted and it looks terrible. **Eddie** said he agrees with **Brendan** that the release of the document would do what we are trying to prevent from happening in the future. He said in the interest of transparency, he would like to prepare a statement that summarizes the findings for the town of Brookline and release those, so the inquiries that we have had can be answered in a professional way that does not infringe on anyone's rights and calls for the respect of the Board. **Eddie** said he is struggling with whether or not that can be done tonight and proposed this be brought up again in non-public so the Board can speak freely to prepare a statement that we can approve to be read for next meeting if the motion passes. **Brendan** said to answer **Ed's** question, he himself said he would redact, and he did not when he realized it was too complicated but then failed to bring it back to the Board to tell them so. **Ed** said he would like to assure the public that.

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this document will be redacted tonight in non-public. He said this gives us a poor look that we can't be transparent about something that has been dragging on for months. **Ed** said he doesn't blame **Brendan**, this document should not have been received in this format originally and that is on legal to a degree, because it was made very clear what we weren't looking to do, and that we were looking to be transparent with the public. He said one thing he has heard from a number of employees, is that if they had done this, it would not have taken the Board this long to act on it. Ed said we should, at minimum, redact in non-public and read at next meeting. ***Ed rescinded his motion, and moved, seconded by Steve, to redact the document in non-public tonight; Voted Yes 4-1, Dana vote no.***

Welfare Officer Re-Appointment

Ed moved, seconded by Dana, to accept the reappointment of Angela Dacey as Director of Public Welfare; All yes 5-0.

Discuss New Ambulance Purchase Process - Chief Stewart

Jeff asked the Board to move up the timeline and begin the purchasing process for a new ambulance because, at this point, delivery could be up to 18 months out pushing the new ambulance into 2025. He is concerned that the 2009 ambulance will not last. **Jeff** said this will have zero impact on town appropriations because the purchase will be made with the Ambulance Revolving Fund balance which is fed by the quarterly payments from the contract we have with the Town of Mason. **Brendan** said when it comes time to expend the funds, if there isn't enough money, we could go to the town for the difference. ***Brendan moved, seconded by Steve, to authorize the start of the purchasing process for a new ambulance; Voted Yes 5-0.***

Road Acceptance Countryside Drive Phase I, II and Wright Road

Dana moved, to accept the recommendation of the Planning Board that Phase I of Countryside Drive be accepted as a town road and keep the maintenance bond of \$78k in place for at least two winters ending in spring of 2025, there was no second, motion failed. **Scott** said we don't have a clear policy and procedure for accepting roads. He said the traditional procedure is the Planning Board reviews the Town Engineer's recommendation, we receive a set of as-built drawings, delineate if there are any easements, and have the developer prepare a deed that conveys ownership to the town, record at the Registry of Deeds, and have town counsel review and make sure everything is in order before the town accepts the road, there has been no legal review and there is no deed. He said if we move forward with this tonight, the issue becomes, what is the town doing to protect itself. **Scott** said some towns will only accept roads between April 1st and November 1st, but the town is under no obligation to accept any roads. **Eddie** said table Countryside Drive Phase I and II until next meeting while we gather more information. **Eddie** said we need to create new policy moving forward. ***Dana moved, seconded by Brendan, to reduce the construction bond for Wright Road from \$110,700 to \$55,600 as recommended by the Planning Board; Voted Yes 5-0.***

EEI Solar and LED Lighting Projects

Scott said he and **Brendan** will meet with EEI to finalize the contract after contacting Primex about insurance coverage and having town counsel review the documents.

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Tax Abatement Melendy Pond 1 Ninth St Lot 34A

Brendan moved, seconded by Dana, to abate the taxes, interest, and penalties, in the amount of \$4,353.90 in arrears for tax years 2019, 2020, and 2021 for the property located at 1 Ninth Street on Melendy Pond, since the building has been removed and the land is owned by the town; Voted Yes 5-0.

Town Meeting Schedule

Eddie said polls open from 7am 7:30pm on Tuesday, March 14th for all-day voting, with the business portion of the meeting starting at 7pm on Wednesday, March 15th (snow date Thursday March 16th) at CSDA 24 Townsend Hill Road Brookline NH. He said the Town Warrant has been signed by the Board and is available for public viewing. **Scott** says the warrant now goes to DRA for approval and is sent back for final approval by the Board. The Board reviewed the election day schedule.

Board/Committee Updates

SRLD **Eddie** updated the Board.

Any Other Old/New Business

There was none.

Review Items for Next Meeting's Agenda

Road Acceptance Policy Process Discussion
Countryside Acceptance
Review non-public minutes.

Review Mail Folder

The Board reviewed the mail folder.

7:45pm Eddie moved, seconded by Brendan, to move into non-public session per RSA 91-A:3 II (c) reputation and (l) legal; potentially others; Roll Call Vote Yes 5-0.

9:04pm Eddie moved, seconded by Steve, to come out of non-public session and seal the minutes; Voted Yes 5-0.

9:05pm Meeting adjourned.

Minutes submitted by Sharon Sturtevant

Eddie Arnold

Brendan Denehy

Dana Ketchen

Steve Russo

Ed Perry