



**TOWN OF
BROOKLINE, NEW HAMPSHIRE
SELECTBOARD**

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*Minutes
Selectboard
Tuesday, May 30, 2023*

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

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

Public Input and Announcements

Eddie announced the addition of Administrative Assistant **Harold Koslowski** to the Town Hall staff. **Brendan** said an announcement was made at the well-attended Memorial Day Service this weekend, that the VFW will install a new monument on Town Hall grounds by the July 4th celebration. **Scott** said **George Dixon** of Celtic Rain Dream Scapes has offered to repair the commemorative brick walkways that lay in front of the monuments at Town Hall, for free. ***Brendan moved, seconded by Steve, to accept George Dixon and Celtic Rain Dream Scapes offer to fix the brick walkways at Town Hall; Voted Yes 5-0.*** **Eddie** said the Transfer Station was short staffed on Saturday and again today and asked for the public's understanding. He thanked **Steve Gerlack** and **Kathy Havey** for stepping up to cover for the unexpected staff shortage. **Eddie** read the following statement: *"The Town of Brookline, Planning Board of the Town of Brookline, and Selectboard of the Town of Brookline, were named as defendants in a lawsuit filed in the United States District Court for the District of New Hampshire on September 21, 2021, by Plaintiffs, Brookline Opportunities, LLC and Tamposi Brothers Holdings, LLC. As part of the litigation, both sides filed summary judgement motions asking the Court to make certain rulings as a matter of law in advance of trial. A hearing on those motions was held on April 17, 2023, at 2:00pm. The Court took the parties' positions under advisement, and a decision is expected in the upcoming months. The case remains pending with the United States District Court in Concord, New Hampshire".*

Approve Minutes

Brendan moved, seconded by Ed, to approve the public minutes from the Sunday, May 7th and Monday, May 15th meetings as written; Voted Yes 5-0.

Approve Warrants

Brian moved, seconded by Steve, to approve Accounts Payable Warrant #21 in the amount of \$177,923.78, Payroll Warrant #22 in the amount of \$72,458.60, and Police Detail in the amount of \$420. Brian moved, seconded by Steve to amend the

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motion to include the "Final Payroll" for Stacey Rivard in the amount of \$1,094.59; Voted Yes 5-0. Eddie noted on Warrant #19 from Monday, May 15th Check #59354 in the amount of \$138,077.77 has been voided and replaced by Check #59411 in the amount of \$138,007.77 reducing the total warrant by \$70 to \$231,648.10.

Appointments/Re-appointments

The following notices to appoint/re-appoint will happen at the June 12th Selectboard meeting; At their April 11th, 2023, meeting, the Conservation Commission motioned in the affirmative to re-appoint Roy Wallen as Alternate Member, with a term ending May 31, 2026. The Selectboard gave notice to re-appoint Roy Wallen as Alternate Member to the Conservation Commission. As recommended by the Library Board of Trustees, Steve moved, seconded by Brendan, to accept the recommendation and give notice to appoint Diane Marsolini as Full Board Member, and Kacie Petrin Ellis, Johanna Shriver-Halligan, and Puneet Mangal as Alternate Members of the Library Board of Trustees, for the balance of the term; Voted Yes 5-0. Brian moved, seconded by Steve, to give notice to appoint Graham Loff as Finance Committee Member for the balance of the term; Voted Yes 5-0. The Selectboard gave notice to appoint Ian Murphy, Jan Reimers, and Chris Koffler as At-Large Members to the Energy Committee.

Revenue Analysis and Year to Date Expense

Eddie said as of the end of May, we were 41.67% of the way through the year and have spent 41.81% of the budget, including 95% of the Legal budget. Brendan said we need to ask Department Heads not to spend or defer spending until next year to try to find 100K in the budget, to offset legal costs.

Personnel Evaluation Form Update

The Board discussed edits to the Personnel Evaluation Form draft.

Renew Lease with Cornerstone Bible Church

Brian moved, seconded by Ed, for Brendan to sign the annual Chapel lease with Cornerstone Bible Church; Voted Yes 4-0, Eddie abstained.

Hydrogeological Assessments Agreement with Aries Engineering

Steve moved, seconded by Brendan, to accept, and allow Eddie to sign, the Hydrogeological Assessment Agreement with Aries Engineering; Voted Yes 5-0.

Sign internal Escrow Letter for Fire Truck Lease

Brian moved, seconded by Ed, for Eddie to sign the internal escrow letter for the fire truck lease; Voted Yes 5-0. The Board acknowledged as Lessee; this lease will be serviced by Pinnacle Public Finance.

Road Acceptance Policy Approval

Steve moved, seconded by Ed, to approve the Road Acceptance Policy as written with an effective date of July 1, 2023; Voted Yes 5-0.

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Appropriate use of RSA 91-A for Non-Public Sessions

Brendan said going forward, after the initial non-public subject is addressed, if further meetings are necessary, we need to determine if the follow up should be discussed in public session. **Eddie** said let's err on the side of caution. **Scott** suggested using a checklist for each topic in the non-public session.

Townsend Hill Road Speed Bumps

Brendan moved, seconded by Steve, to table this discussion until the June 12th meeting; Voted Yes 5-0.

July 4th Parade and Fireworks

The Board discussed the July 4th Parade sponsored by the Lions Club. Available Board members will participate in the parade and judge the float contest. Fireworks will take place the evening of the 4th on Lake Potanipo (Rain Date July 8th).

Update on Town Hall Portico

Scott said Team Engineering came today with a construction contractor to assess the water damage on the front portico of the Town Hall. They will put together a proposal for cost plus materials. **Scott** will reach out to other contractors for a second proposal. He noted the air quality downstairs still needs to be checked due to the water damage.

TAP Project Update

Scott said the project is within budget right now, the DOT has approved some changes in the contract. He said the work should be done at the end of August. **Brendan** said a limited footprint in the lot by the contractor would be appreciated.

Lot H-43 Acceptance Process

Scott said **Steve Buckley** sent a note from the NHMA on adopting provisions to accept a parcel. **Eddie** said get RSA wording and have legal review it before moving forward.

Discuss May 19th "1st Amendment Audit" Incident & Town Hall Security

Scott provided the Board with copies of threatening and vulgar emails received from accomplices of a group that calls itself "Accountability for All" after they showed up at Town Hall on Friday May 19th with cameras rolling and no reason to be there other than to harass and disrupt the staff and residents in the building claiming it is their 1st Amendment right to audit. **Scott** said this group has a long history of doing this to other communities who have made arrests. He suggested reaching out to our legislators to make sure this was constitutional. He said he received an email from a resident who was concerned about them publicizing the layout of the inside of the building and focusing on our security cameras. **Scott** said when they became disruptive, he called the Police, who responded right away and de-escalated the situation. **Eddie** said the town needs a better understanding of what is and isn't permissible with video recordings. **Scott** said they did not require any services when they came, they did this to put the video up on You Tube and get paid. **Brendan** said these emails are shocking and beyond the pale of common decency, he is sorry that anyone had to go through this and asked if there is anything the Board can do. **Scott** said one encouraging thing that came out of this is, the Brookline residents that saw the video were very supportive

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of the town employees. **Brian** said if You Tube didn't allow people to monetize these things they wouldn't be happening. He said these people make a living out of doing this. Other than complaining to You Tube and the sponsors, there is not much we can do but appeal to our legislators. He said the video was annoying but what came after with the emails and voicemails was really disturbing and he hopes people can appreciate that and all our town employees do. **Brian** added, the Police Department did an excellent job. **Ed** said we should establish a procedure for how we want people to handle these things. He said he did a cost benefit analysis after watching the video to see what the cost is for engaging with these people when they come in. He said he doesn't see a lot of benefit. **Ed** said he thinks the Police Chief and **Michele** did a great job, but he also thinks **Scott** and **Sharon** did a great job by not engaging, because all of a sudden they are recording but we are not starring in their production as free labor. He said if it happens again, play a Disney song while they are recording, that will prevent it from airing. **Eddie** suggested de-escalation training. **Scott** said residents were in the building at the time, taking care of their personal business, some in confidential meetings, and should not have been subjected to that. He said the worst part came after the video was posted in the form of vulgar emails and voicemails left for Town Hall employees.

Board/Committee Updates

There were no updates.

Any Other Old/New Business

New: Dying Hemlock Tree - **Brendan** said a dying Hemlock tree needs to be removed from Town Hall grounds before the VFW's monument can be installed.

Old: 91-A Violation Letter - **Brendan** said in response to repeated requests from the public, ***Brendan moved, seconded by Ed, to read the 91-A violation letter; Voted Yes 5-0.*** "On October 17, 2022, the Selectboard had a heated discussion during non-public session. Unfortunately Dana Ketchen took offense to what was said and how it was said so she decided to make a public statement during the next Selectboard meeting on November 1, 2022. During this statement, Dana alluded to a non-public matter, without consent of the Board and without regard to the sensitivity of the topic. On November 14, 2022, the Selectboard voted to seek a legal finding from town counsel on whether RSA 91-A was violated. On December 8, 2022, a majority of the Selectboard had a non-meeting with counsel to discuss this finding.

It is the opinion of the Selectboard that, in the interest of protecting the employee(s) involved, we keep the legal findings protected, under attorney-client privilege, however, we understand the public's interest in this matter. A violation of RSA 91-A is not to be taken lightly. State law does not take potential violations lightly, as the public and town employees deserve a governing body that takes confidentiality very seriously.

The Brookline Selectboard acknowledges and accepts our town counsel's legal opinion that Dana Ketchen's actions on November 1, 2022, violated RSA 91-A. We understand that trust in this Board may have been affected by this action and we apologize to all those that have lost faith in your elected official(s). We owe a special apology to all our employees that could face harm to their reputation because of the actions of one Selectboard member. We hope that acknowledging this violation in a public meeting will bring this matter to rest so that we can begin rebuilding the trust that we lost.

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New: Repairs to Several Buildings - Scott said we need to address several failing components at the Town Hall, Brusch Hall, and Library after BK Systems inspected our fire alarm systems. Also, there is exterior damage to the library that needs repair.

New: Hollis Dispatch – Scott said Hollis Dispatch will no longer be doing alarm monitoring so we will be searching for quotes.

New: Payroll Company – Scott said our current payroll company will not continue to provide payroll services after the first of the year. Now the question is do we pull it in house or look for another payroll company.

Review Next Meeting Agenda for Monday June 12th.

Budget Savings Analysis

Townsend Hill Road Speed Bumps

Department Review with Dept Heads Schedule

Personnel Evaluation Form

Walking Town Boundaries

Lot H-43

Discuss the Nation's 250 Anniversary Celebration in 2026

Review Mail Folder

The Board Reviewed the mail folder.

Brookline Ambulance Service Years of Service Recognition

AEMT: Dec Joki 5, Jay Kramarczyk 15, Richard Gribble 25.

EMT: Jacob McGettigan 10, Bobbie Canada 45.

St Joseph Hospital EMS Crew of the Year Award for Actions on Nov 23, 2022

AEMT: Richard Gribble, Dec Joki and Jay Kramarczyk

EMT: Trisha McCubrey, Jacob McGettigan, Phil Soletsky and Beth Williams.

Paramedic: Gary Arruda.

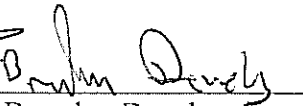
8:21pm *Eddie moved, seconded by Steve, to go into non-public session per RSA 91-A:3 II (a) (personnel); (c) (reputation) and (l) (legal); potentially others; Roll Call Vote Yes 5-0.*

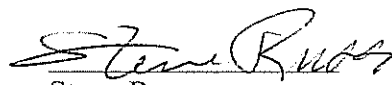
9:26 *Eddie moved, seconded by Brendan, to come out of non-public session and seal the minutes; Voted Yes 5-0. Ed moved, seconded by Brendan, to adjourn the meeting; Voted Yes 5-0.*

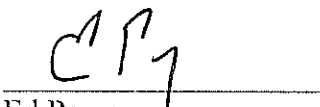
9:26pm Meeting adjourned.

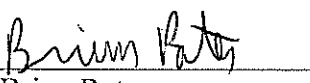
Minutes submitted by Sharon Sturtevant.


Eddie Arnold


Brendan Denchy


Steve Russo


Ed Perry


Brian Rater