



**TOWN OF
BROOKLINE, NEW HAMPSHIRE
SELECTBOARD**

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*Minutes
Selectboard
Monday, March 1, 2021*

Selectboard members present via Zoom: Brendan Denehy, Eddie Arnold, Ron Olsen, Drew Kellner, and Dana Ketchen along with Town Administrator Tad Putney.

6:30pm Brendan opened the meeting with the Pledge of Allegiance and said we are meeting under Executive Order #2020-04 and Emergency Meeting Orders #12 and #23, which allow for remote meetings. Selectboard members all stated where they were and that they were participating remotely due to COVID-19.

Planning Board Recommendation - Countryside Drive Extension (Phase 1) Bond

Tad said the Planning Board has recommended a construction bond be put in place for Countryside Drive Extension (Phase 1) in the amount of \$77,510. ***Eddie moved, seconded by Drew, to approve the “Performance Guarantee Bond” for the Countryside Drive Extension (Phase 1) in the amount of \$77,510, as recommended by the Planning Board; Roll Call Vote Yes 5-0.***

Deputy Forest Fire Warden Appointment Form

Brendan said he is declaring a conflict of interest and will not vote on this matter. **Brendan** asked **Eddie** to take the “virtual” gavel; **Eddie** accepted. **Eddie** said **Meghan Fricke** has recently been promoted to “Lieutenant” on the Fire Department and is now being recommended for Deputy Forest Fire Warden. ***Drew moved, seconded by Dana, to authorize the appointment of Meghan Fricke as a Deputy Forest Fire Warden; Roll Call Vote Yes 4-0-1, Brendan abstained.*** **Brendan** said **Meghan** is his niece and noted this appointment is a point of personal pride for him as it marks four generations of Forest Fire Wardens in his family.

Discuss Energy Audit of Town Buildings

Brendan asked after last week’s presentation from EEI if the Board wants to have them conduct the town building energy audits. ***Ron moved, seconded by Eddie, to have EEI conduct an energy audit of town buildings.*** **Dana** asked if there is a contract to be signed and is it available for review, so we know what it says before we commit. **Tad** said at the last meeting EEI said they were comfortable moving forward with the energy audit phase without having a contract signed, since it is all on them to do the analysis and then come back to us with their findings and recommendations before moving forward. **Dana** said if we ask them to do the audit, we are expected to use them to do the work.

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Drew said he recalls they said we are not required to use them as the general contractor, but it is typically the format they work with. **Dana** said she is not opposed to the energy audit; she would just like more information. ***Dana moved, seconded by Eddie, to table the energy audit vote, until we have more contractual information; Roll Call Vote Yes 5-0.***

Other Business – Guidance on Newly Elected Town Officers

Tad said under Executive Order #23, the newly elected town officers, following all-day voting on March 9th can be sworn in, after the recall period has passed. He said normally the existing officers are in place until the conclusion of the business portion of town meeting, but because some towns may not be having that portion until May or June, the guidance is the new officers can take their positions following all-day voting. As a result, the new officers will be in office for the business portion of town meeting this year. **Tad** said both the Moderator and Town Clerk/Tax Collector are aware of the guidance.

Senator Avard, Representatives Pauer and Lewicke re Pending Legislation

Brendan thanked **Senator Avard**, and **Representatives Pauer** and **Lewicke** for taking time to meet with the Board. **Brendan** said the Selectboard sent the Representatives and Senator a list of bills for discussion tonight. **Brendan** said the first is **HB 307** “State pre-emption on firearms and ammunition”. He said this was of interest because of the unintended consequences of the bill. He said it states that elected officials who put forward legislation on guns and ammunition can be legally challenged in their personal capacity not their legal capacity as a Selectboard member. He said this would have a chilling effect on running for office. **Dana** said the way she read it, they were *intended* consequences. **Drew** said he has multiple concerns with this bill, the first is the potential for personal liability as one of the provisions allows up to \$100,000 in liquidated damages for personal liability. He said he makes \$1,700 for his time on the Selectboard and if the potential for liability is in the six-figure range, you can find someone else for the job. He said this will have a chilling effect on public service in general and the State of NH has a history of healthy volunteerism. **Drew** said he is concerned that the bill seems to contradict other RSAs in that it attempts to limit the ability of the municipality to regulate use of town property when we as a Selectboard have an ability to manage property as the “landowners”. **Drew** said he has read legal opinions from **Drescher** and other attorneys that clearly allow the town to regulate use of town-owned land and the bill seems to contradict that. He said he would prefer to see the bill killed in committee. Representative **Pauer** asked if **Drew** had a reference to the line numbers he was speaking to. **Drew** said RSA 41:11 Part A. **Drew** quoted, “Municipalities may not prohibit someone from carrying a gun on town property, but governing bodies still have the authority under RSA 41:11 to regulate the use of town property”, which includes the right to regulate the sale or use of guns on town property. **Eddie** said he feels differently and the intent of the bill is to protect the rights of the public. He said one part in the bill stands out to him, Part 1: “The General Court finds” #4 “Citizens have good reason to expect that elected officials will be held to the same standard as citizens and that our statutes shall be followed and penalties are reasonable for purposeful violations of the law”.

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Eddie said we find ourselves in these times where higher levels of government feel they have power over the people, when these are the “people” in “government of the people, by the people, for the people”. **Eddie** said he supports this bill and feels the solution is local officials need to make themselves aware of laws pertaining to ordinances that they are trying to pass and take heed to what those laws say; a violation of the law should have consequences. **Brendan** said next is **HB 274** which would have the State make a 5% payment on the local NH Retirement System contribution. He said this was originally set up to have the state paying one-third, but that went away. **Brendan** said he supports this attempt to get the ball rolling in the right direction and would like to see the state’s portion back to 33%. **Representative Pauer** said **HB 274** was recently killed in the House and there is now a bill in the Senate that addresses this similar issue at a higher percentage level. She said the NH Retirement System issue needs to be looked at as a whole and to reform it in totality. **Brendan** said next is **SB 118** for \$20,000,000 of municipal aid to cities and towns. **Senator Avard** said he believes this will pass in the Senate and be tabled until the budget is finished. **Brendan** said next is **SB 99** which involves an increase in the Rooms & Meals Tax going to towns. **Senator Avard** said this bill will restore the sharing to 40%. He said the State of NH has been routinely taking 20% of that for the past ten years. He said he is not sure what the House is going to do with it, but the Senate has it going back to the towns so you get what you were promised. **Representative Lewicke** said as of a few days ago revenue was looking good, but it is unlikely we will be going for this until the money is in the bank. **Senator Avard** said there is also **SB 135** for a state education grant approved by the Senate with \$9,000 going to Brookline in the spring, and **SB 109** allowing municipalities to take advantage of net metering if they have solar. **John Lewicke** said on the pension issue, the concern is with the state paying, it would encourage towns to hire and spend, knowing that the state will be the party paying. He said there are also concerns about the ongoing solvency of the system, with decades of unrealistic investment returns and those will sooner or later need to be addressed. **John** also said on the Rooms and Meals issue, revenues are way down and until the revenues return, we may not be able to make progress on this; we will know more when we get into the budget. **Dana** said **HB 108** talks about more cumbersome and time-consuming requirements for non-public meeting minutes. She said she does not want to see any more labor added to the process; it is working just fine for us as it is. **Brendan** thanked everyone for coming and said he looks forward to another meeting in the spring.

Inclusion of Petition Warrant Articles on Town Meeting Warrant

Tad said the publicized and RSA-based deadline for the submission of 2021 petition warrant articles was February 2nd. On February 22nd, the Board received four petition warrant articles each with 40 signatures from registered voters and two emails from **Pete D’Agostino** asking the Board to add them to the annual town meeting warrant. **Tad** said the emails from **Mr. D’Agostino** included reasoning that the Board had for including the petition warrant articles at the then current date. **Tad** said on February 22nd the Board also received guidance from an NHMA staff attorney affirming the February 2nd deadline for petition warrant articles and including that they had affirmed that deadline with the attorney general’s Elections Division. **Tad** said also on February 22nd the Board signed the annual meeting warrant, given it was the last day for posting

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it per RSA 39:5. He said during this meeting, the Board voted 3-2 not to include the four petition warrant articles on the annual town meeting warrant. **Tad** said on February 24th the Board received additional signatures for each petition warrant article, so each had a total of at least 115 signatures, and also an email from **Mr. D'Agostino** again asking that the petition warrant articles be put on the town meeting warrant. **Tad** said an overriding issue was the annual warrant had already been posted on February 22nd and could not be changed. **Brendan** suggested we set a special town meeting for these warrant articles. **Drew** said if we hold it the day after town meeting on March 28th, we will still have the meeting's set-up in place. **Tad** will check with the Supervisors of the Checklist and CSDA regarding a special meeting on March 28th. ***Eddie moved, seconded by Drew, to table discussion until the March 8th meeting; Roll Call Vote Yes 5-0.***

Discuss Potential Return to In-Person Board Meetings

Brendan said we must find a balance between safety and public access; we can accommodate six people in the Town Hall meeting room, plus one member of the public when socially distancing. **Eddie** said he feels we should stick to Zoom meetings for consistency until we can regularly meet without restrictions. **Drew** agreed with **Eddie**. **Ron** said he feels it is too early to return to public meetings in the relatively small meeting room.

Discuss Next Meeting's Agenda

Members agreed on the following agenda items:

- Discuss special meeting on petition warrant articles
- Potentially discuss request to build on class VI road

7:46pm Brendan moved, seconded by Eddie, to go into non-public session per RSA 91-A:3 II (c) reputation, other matters may be discussed, and immediately upon coming out of non-public session, to seal the minutes and adjourn the meeting; Roll Call Vote Yes 5-0.

7:59pm meeting adjourned. Minutes submitted by Sharon Sturtevant.

Brendan Denehy

Eddie Arnold

Ron Olsen

Drew Kellner

Dana Ketchen