

Board of Selectmen
Minutes March 29, 2022

Meeting convened at 6:00 pm

Present: Andrew Artimovich
Jennifer Jones
Robert Mantegari
Russ Kelly
Jon Morgan (via zoom)

Artimovich called the meeting to order.

The Board reviewed accounts payable, payroll, and signed the register. The Board also reviewed accounts payable and signed the register for recreation.

Joyce Gallant, Treasurer, presented the weekly treasurer's report. Please see the end of the minutes.

Mantegari made a motion, seconded by Jones, to approve the public minutes of 3/22/2022 as written. All in favor.

Mantegari made a motion, seconded by Jones, to approve the non-public minutes of 3/22/2022 as written. All in favor.

Jones made a motion, seconded by Mantegari, to approve the second non-public minutes of 3/22/2022 as written. All in favor.

Mantegari motioned, seconded by Jones, to allow Jon Morgan, Board Member, to join remotely via zoom. All were in favor.

Kip Kaiser, Building Inspector, had the following building permits to be approved this week:

- Joshua & Cindy Lanctot, 67 Mohawk Lane, Building – repair of exterior deck: signed by Board
- Jeffrey & Theresa Chenevert, 448 Middle Road, Electrical – underground electrical service: signed by Board
- Nicole Larrivee & Scott Sprague, 50 Eleanor's Way, Building – attic refinishing: signed by Board
- Granese-Brentwood LLC, 66 Route 125, Electrical – underground electrical: signed by Board

Artimovich shared information from Kip Kaiser, Building Inspector, on a possible zoning/safety violation at Windsor Meadows with an additional bedroom being built. Clement added Kaiser would like to go out with the health officer and fire inspector to confirm if there is a violation or not. Mantegari stated he has an appointment scheduled on Monday afternoon and would like to try for that same afternoon for the Windsor Meadows inspection.

Mantegari motioned, seconded by Jones, to accept Karen Venoitte as an alternate member to the regional associations subcommittee. Jones asked if it was as a standard alternate member. Clement responded it was. Artimovich – aye; Jones – aye; Mantegari – aye; Kelly – aye; Morgan – aye.

Artimovich read an announcement from the Historical Society. There will be a dedication on May 7th at 10:30am for the Grange Hall because it has been added to the state Historic Registry. Artimovich stated that if more than 3 board members are attending, please let Clement know so a meeting announcement can be posted. Rebecca Dunham, Historical Society, announced there will be an exhibit on Mary Abbott Sanborn and volunteers will be acknowledged. All are welcome to attend.

Artimovich shared information about the April 2nd clean up hosted by the Conservation Commission and Recreation Department. Trash bags will be available at the rec center pavilion beginning at 8:30am. A BBQ is planned for around 11:30am. Artimovich requested participants wear bright colors for their safety.

Clement presented a permit from the Webb's to haul non potable water. Mantegari made a motion, seconded by Jones, to sign the permit. Artimovich – aye; Jones – aye; Mantegari – aye; Kelly – aye; Morgan – aye.

Clement presented the board with a state form to be signed for the previously approved auto recycling permit for the Webb's. Mantegari made a motion, seconded by Jones, to sign the form. Artimovich – aye; Jones – aye; Mantegari – aye; Kelly – aye; Morgan – aye.

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Clement presented an Emergency Notification Form for authorized access for E-911. The form removes Ellen Arcieri and adds Chief John Ventura. Mantegari made a motion, seconded by Jones, to accept the change. Artimovich – aye; Jones – aye; Mantegari – aye; Kelly – aye; Morgan – aye.

Clement presented approved Discretionary Preservation Easements forms for 134 Pickpocket Road and 162 Middle Road. Both Discretionary Preservation Easements forms are for ten (10) years. Mantegari asked if it was the current board who voted on those. Clement responded it was the previous board. She went on to explain 134 Pickpocket Road is a renewal and 162 Middle Road is a new preservation. The signing of those forms allows it to be recorded at the registry. Clement went on to explain the owner will maintain the historic character in exchange for a 75% discount in assessment of that building. Jones asked if the term is 10 years for both and if there were any issues with the new board signing for a decision of the previous board. Clement responded the term is 10 years. Artimovich responded there were no issues with the current board signing because the board is currently voting on it. Mantegari made a motion, seconded by Jones, to sign the forms. Artimovich – aye; Jones – aye; Mantegari – aye; Kelly – aye; Morgan – aye.

Clement requested initials on two pages of the grant extension form for the Hazard Mitigation Plan which was previously voted on 2 meetings before tonight.

Clement presented the board with appointment slips for Regan Elliot for a 2-year term and Frank Albert for a 3-year term to the ZBA. Mantegari made a motion, seconded by Jones, to sign the appointment slips. Artimovich – aye; Jones – aye; Mantegari – aye; Kelly – aye; Morgan – aye.

Artimovich asked Kelly for an update on the latest ZBA meeting. Kelly explained Doug Cowie was reappointed as Chair and Ken Christiansen was appointed as the co-chair. Kelly also explained there will be 2-3 training sessions scheduled.

Artimovich explained the contract for Vimeo has expired. Mantegari made a motion, seconded by Jones, to discontinue the use of Vimeo and rely on YouTube for the posting of public meetings. Artimovich – aye; Jones – aye; Mantegari – aye; Kelly – aye; Morgan – aye. Jones asked what the cost savings was on not utilizing Vimeo. Clement responded she believed it was around \$200. Mantegari asked about the videos on Vimeo and if they would be accessible on YouTube. Artimovich responded the videos will not be lost as they are already cross posted on YouTube.

Rebecca Dunham was invited to present on the Regional Associations Recommendations. Dunham requested to wait until next meeting to present.

Wayne Robinson, road agent, was present to request permission to move ahead with paving/hot topping plans once he has spoken with the company. The board agreed he can move ahead, as the warrant was approved, and the money has already been appropriated.

Robinson also spoke to obtain permission from the Board to begin shopping around for new trucks. Mantegari asked how much money is currently in the account. Clement stated there was \$112,000 in the account and an additional \$100,000 was appropriated at Town Meeting. Robinson stated he desired to shop around and see if a deal can be made to possibly purchase more than one truck as there are 2 smaller trucks and 1 bigger truck that needs to be replaced. Mantegari requested Robinson also examine a lease purchase option similar to what was done with the fire department and highway department in the past.

Morgan requested Robinson put up the economic development committee's "Bring it to Brentwood" sign on Route 125 in the next week or so. Robinson explained he had to speak with Chief Bird to be sure the location is suitable.

Robinson spoke on an issue of a driveway culvert on Robinson Street. Morgan asked if this was a new issue. Mantegari responded it was the same culvert previously spoken about, but a new visitation to the issue. The resident approached Robinson at the highway shed on Tuesday. Robinson explained he told the homeowner the culvert was on his property, and it was not the town's responsibility. Robinson went onto explain that due to the frosting this winter, the culvert has been lifted. There is a small amount of water that is not currently flowing through it, and the water remains there. He went onto explain to the board that he explained to the resident that the work would need to be done by the homeowner. Jones asked if the frost heave caused the culvert to rise. Robinson responded yes. Mantegari added the town had addressed an issue in Mohawk Road area that was across the road. He went on to explain the difference with that situation is that it was in the town's right of way and affecting the road. Jones asked if the issue is affecting the town's road or if it just on the property

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of the resident. Robinson replied the culvert is on the homeowner's property. He went onto say the homeowner is claiming it is the ditch line and the water in the ditch that is affecting the culvert on his property. Mantegari asked Clement if it was last year when she checked into this issue. Clement responded there is a state RSA that says a culvert is the property owner's responsibility even in the town's right of way unless it directly interferes with the roadway itself. Mantegari mentioned the design was done based on the planning board's stamped engineering plans. Robinson invited the homeowner to approach the select board.

At 6:35pm, Mantegari made a motion to go into nonpublic session per RSA 91-A: 3, II for (c) reputation. The motion was seconded by Jones. Artimovich – aye; Jones – aye; Mantegari – aye; Kelly – aye; Morgan – aye.

At 7:47pm, Mantegari motioned to come out of nonpublic and seal the minutes from the non-public meeting. Jones seconded the motion. Artimovich – aye; Jones – aye; Mantegari – aye; Kelly – aye; Morgan – aye.

Mantegari motioned, seconded by Artimovich, to expend eleven thousand, seven hundred eighty-one dollars (\$11,781) to the Brentwood Newsletter for the purpose of printing, postage, and distribution of eight (8) issues as stated in the warrant article passed at the Town Meeting. Artimovich asked for board discussion before the vote. Mantegari asked for permission from Robin Wrighton and Michelle Siudut to read the memorandum which was sent at 5:10pm on March 29, 2022.

Mantegari read it as follows, "In an ongoing effort to clarify the policies, procedures, and general practices of the Brentwood Newsletter (BNL) requested by selectman Russ Kelly following last week's meeting, we offer the following for your greater understanding.

As a matter of practice, articles, announcements, and public notices contributed to the BNL from individuals and organizations are clearly attributed to the author or source organization. When possible, internet links are provided to further personal research and general knowledge. Information received from individuals and organizations is printed with permission. When considering content from outside sources, we will review credibility, value, and relevance to our community.

The BNL does not develop or curate opinion pieces. Authors may offer their own perspectives on topics that interest or concern them in a factual, relevant, and civil manner. Contributed material intended to express an opinion or point of view will be clearly attributed as such and to the individual author, group, or organization expressing that view. Counter-points are welcome in response or as stand-alone submissions in the following issue. The BNL reserves the right to limit rebuttals to previously submitted opinions to the following issue. The BNL values all opinions and provides a public forum for diverse views; however, submissions previously printed or posted in other public forums may be rejected.

The BNL reserves the right to reject unproductive, non-relevant material, or submissions that personally name other individuals. Authors submitting such material are notified when they do not comply with our integral practices. The BNL strives to respond in a timely fashion to submissions that do not meet our minimum guidelines; however, the BNL is not obligated to respond to, nor publish any submissions.

We promptly acknowledge and correct procedural errors made by the BNL. Opinion pieces submitted by individuals are solely those of the writer(s), and as presented, are not intended to reflect the official opinion of the BNL, nor the Town of Brentwood's governing body, and are printed with no intention to malign anyone or anything.

Writers of material submitted, but not published by the BNL, retain the right to publish their submissions in any other public forum or format. By submitting content to the BNL, authors allow the BNL to use that content at their discretion. This includes, but is not limited to: emails, articles, news pieces, announcements, and photographs. Submission rejection does not negate the author's rights to publish elsewhere, nor does rejection by the BNL open their communications to public scrutiny.

Authors may request anonymity for individual submissions. Writers with legitimate concerns must contact the BNL directly to discuss and may be published as "name withheld." Readers should not misconstrue material printed in the BNL from identified organizations as submissions by individuals. Likewise, information from state and local agencies and organizations, public announcements, real estate listings, and other information obtained from public sources will occasionally run for general public knowledge.

The BNL reserves the right to adopt, modify, and implement additional policies, practices, and procedures as needed. Our current mission statement and policies will be updated, published, and available to the reader on our website at BrentwoodNewsletter.org."

Artimovich asked for any other discussion from the board. Jones stated she understood there had been numerous hours of discussion in

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recent weeks surrounding an agreement with the newsletter. Jones believes the goal was to reach an agreement of the town's request for accountability, editorial oversight, and openness. She feels the document read by Mantegari had some of the desired items missing from it. Jones stated she does not think it is in the best interest of the town.

Kelly shared his thoughts. He stated he feels the relationship is broken and lacks trust on both sides. Kelly stated lack of trust was only 1 of the 2 major obstacles of reaching a compromise. He went on to say the second being the lack of an agreement or memorandum of understanding. Kelly shared he feels there is a major misunderstanding that the board must vote to fund the newsletter based on the vote at Town Meeting. The legal interpretation, as Kelly understands it, is that the board is not bound by the town meeting vote. Kelly stated he feels there must be a way to move forward, establish accountability, and restore trust.

Artimovich asked for any other discussion. Michelle Siudut, Brentwood Newsletter representative, requested the opportunity to speak prior to the vote. Artimovich allowed for Siudut to address Kelly directly. Siudut asked what aspects he believed had not been met. Kelly responded that he was told he could not publicly discuss it. Artimovich explained there was a request for the negotiations to remain confidential. Siudut responded that she wanted discussions to occur. Morgan offered clarification that Kelly was not obligated to respond to the request of disclosure. Kelly chose to respond.

Referencing the document submitted at 5:10pm on March 29, Kelly stated the language "the BNL is not obligated to respond to" was language previously highlighted. The next piece Kelly expressed concern with was found in the next to last paragraph of that same document – "authors may request anonymity". Kelly stated this was another item specifically discussed. He stated he feels this runs counter to the transparency aspect. Siudut responded that the language was put in there because there was a paragraph once submitted by a resident who saw an on-going issue that was happening in town. She went on to explain, the resident was fearful of retaliation. Kelly expressed he would like to see opinion pieces referred to as opinion and contributable to the author.

Robin Wrighton, newsletter editor, responded there have been Supreme Court cases encouraging anonymity.

Jones offered a comment on anonymity. She stated she respects anonymity. Jones also shared she believes BNL has the right to run the company how they choose much like the town has the right to have a newsletter they feel meets the needs of the town. She went on to state she respects the ability of BLN to self-govern.

Kelly directed a question to Siudut and Wrighton regarding non-response or items that are rejected and why it was not part of the version of the agreement they submitted to the board. Wrighton answered there are responses to submitters. Kelly asked about the 14-day response time that was previously discussed and the reasoning it did not make it into the drafted document presented at 5:10pm on March 29. Mantegari asked Wrighton what happens if a submitter is not happy with her response. He inquired if there was a board they could follow up with and how it would work. Wrighton responded that had not happened, but she would welcome that.

Kelly stated he desires to come to a conclusion where a compromise can be reached. He expressed he appreciated and understood the explanations offered by BNL. Siudut asked Kelly for clarification on something he said in a previous meeting regarding the need for a contract. Kelly offered clarification that he wanted to reach a compromise between a contract and "nothing". Wrighton stated she was told there are no other volunteer organizations that are required to sign contracts. Kelly responded that the newsletter is a unique product and other volunteer organizations are unlikely to share divisive information the same way. Kelly expressed he believes a lot has been learned about running the newsletter and handling controversy.

Artimovich asked Kelly if there was anything specific he desired to see changed before the board votes. Kelly reiterated much of what he had previously stated referring to the language in the document submitted by BNL. Artimovich asked Wrighton if she would be willing to have a deadline to meet publishing abilities.

Wrighton stated the BNL has a subscriber base of 1360 people. She expressed the difficulty of pleasing everyone all the time. She went on to ask how there is justification in not doing what the legislative body told the governing body to do. Kelly responded that a vote has not yet been taken and the board was advised by legal counsel that they are not bound by that vote.

Artimovich stated there was a motion still on the table floor. The motion was presented by Mantegari, seconded by Artimovich, to expend \$11,781 to the Brentwood Newsletter for the purpose of printing, postage, and distribution of eight (8) issues as stated in the warrant article passed at the Town Meeting. Artimovich – aye; Jones – nay; Mantegari – aye; Kelly – aye; Morgan – nay. Motions carries with a 3-2 vote.

