

**GREENLAND BOARD OF SELECTMEN
MEETING MINUTES**

Monday, January 25, 2010

Members Present: Chair Mo Sodini, Vice Chair Paul Sanderson, Bruce Dearborn, Jon Wendell and Charles Cummings

Staff: Karen Anderson, Town Administrator

Non Public

The Selectmen met in a non-public session at 6:45 P.M., under RSA 91-A:3 II d, to discuss the purchase of property.

Agenda

Chair Sodini opened the Board of Selectmen public meeting at 7:02 P.M. He announced that a quorum was present and the meeting was being recorded.

Public Hearing

Chair Sodini stated the purpose of this public hearing was pursuant to New Hampshire RSA 33:8, the Municipal Financial Act, regarding the following Conservation Commission Bond item: \$2,000,000 for the acquisition of conservation easements, open space land, and recreational land by the Town, all for the permanent protection of appropriate undeveloped land and recreational land.

Chair Sodini opened the hearing for public comments. Chip Hussey, Conservation Commission member was present and officially stated the Conservation Commission recommends this bond article. Ms. Anderson stated all the legal posting requirements have been met. Mr. Sanderson asked Mr. Hussey to explain why this was a good time to request this article. Mr. Hussey responded that the Town has money set aside to buy Conservation land of approximately \$80,000 and indicated if some land came available and it was important to save; this bond would eliminate a need for a special town meeting or to wait until the next annual town meeting. He felt it would be a good tool to have in place for the preservation of conservation land. Hearing no other comments, the hearing was closed.

Administrative & Other Items

1. Sanderson Road resident concerns

The Board reviewed a complaint letter (attachment 1) from the Sanderson Road residents. The letter references their concerns about unacceptable noise, amount of lights and excess water on their properties, which they feel was created by the Packard Mall developers. Ms. Anderson stated she and Mr. Cushman have been over to Sanderson Road and although the lights are visible, there is no illumination spilling onto the properties. Ms. Anderson noted there is a clogged culvert at the end of Sanderson Road that is going to be cleaned/maintained this year by the Town, but it legally is unrelated to the

Packard development. The Board decided to discuss this matter after the culvert is cleaned to see if that helps the excess water situation.

2. Timber Tax Warrant, re: Map R2, Lot 5B

The Board reviewed a timber tax warrant (attachment 2) in the amount of \$36.00; for the property located at Map R2, Lot 5B. After the review, the follow motion was made:

Motion 1: Paul Sanderson moved to approve the timber tax warrant in the amount of \$36.00 as presented by the Town Administrator. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

3. Proposed Warrant Articles

The Board reviewed a draft of the proposed warrant articles for the 2010 Town Meeting. Ms. Anderson stated the first ten are the zoning articles from the Planning Board. The following are the rest of the proposed warrant articles (the final order of the numbering of articles is still to be determined): Article 11: To see if the Town will vote to raise and appropriate the sum of Two Million Dollars (\$2,000,000.00) for the acquisition of conservation easements, open space land, and recreational land by the Town, all for the permanent protection of appropriate undeveloped land and recreational land in the Town of Greenland, and to authorize the issuance of bonds or notes in accordance with the Municipal Budget Act [RSA Chapter 33] and to authorize the Selectmen to act on behalf of the Town in connection with such acquisitions of conservation easements, open space land, and recreational land and to authorize the Selectmen to issue and regulate such bonds and notes and determine the rates of interest thereon. No more than ten percent (10%) of the proceeds of this article shall be expended on land developed for non-passive recreational uses. All authority under this article shall expire at the conclusion of five (5) years from the date of passage hereof. Passage requires a 2/3 vote. The Board discussed removing the sentence regarding "No more than ten percent (10%) of the proceeds of this article shall be expended on land developed for non-passive recreational uses." After the review, the follow motion was made:

Motion 2: Paul Sanderson moved to remove the sentence "No more than ten percent (10%) of the proceeds of this article shall be expended on land developed for non-passive recreational uses" from this article. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

Article 12: To see what sum the Town will vote to raise and appropriate for the operating budget. The Budget Committee recommends \$----- the Selectmen recommends \$2,812,618. This article does not include appropriations voted in other warrant articles. (Majority vote required), the final amount of this article is still to be determined; Article 13: To see if the Town of Greenland will vote to raise and appropriate the sum of Twenty Thousand Dollars (\$20,000) to be deposited into the Conservation Land Capital reserve Fund for the funding of conservation land and/or easements for the Town. And to further amend the authority to expend from such fund by designating the Selectmen as agents to expend under the provisions of RSA 41:14-a. (Majority vote required), during the review, the Board suggested adding in the year this fund was established; Article 14: To see if the Town

of Greenland will vote to raise and appropriate the sum of One Hundred Seventy Thousand Dollars (\$170,000) to purchase land for expansion of the cemetery on Cemetery Lane. Six Thousand Eight Hundred dollars to be withdrawn from the Town Vicinity Land Capital Reserve Fund and Recreation Land Funds. And further, to discontinue the capital reserve funds established for this purpose. (Majority vote required), the Board suggested removing the last sentence; Article 15: To see if the Town will vote to establish an Expendable Trust Fund for the purpose of maintaining health insurance funds for the benefit of employees as authorized by RSA 31:19-a V and to appoint the Board of Selectmen as trustees to expend from this fund for the payment of health claims or health insurance premiums and to further raise and appropriate the sum of Sixty Thousand Dollars (\$60,000) to be deposited into said fund. An annual accounting and report of the activities of the trust shall be published in the annual report. (Majority vote required), the Board suggested changing the word "trustees" to "agents"; Article 16: To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) for the Conservation Commission to use in matching potential grant fund opportunities and conducting natural and water resource research and education. This article to be non-lapsing for a period of three years. (Majority vote required), the Board suggested changing the word "and" to "or" (between the words "opportunities and conducting"; Article 17: To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) to be deposited in the Weeks Library Capital Reserve Fund for future expansion of the Weeks Public Library. (Majority vote required); Article 18: To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) for the acquisition and installation of a vertical baler at the Transfer Station. (Majority vote required); Article 19: To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000) to be deposited into the Retirement Liabilities Expendable Trust Fund established in 2008 to fund retirement liabilities for town employees. (Majority vote required); Article 20: To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000) for a space needs study and design of an emergency operations center in a town building. (Majority vote required), the Board suggested removing the words "space needs study and"; Article 21: To see if the Town will vote to amend the authorized expenditure purposes of the Fire and Ambulance Special Revenue Fund to authorize the billing costs for ambulance services to be paid from that fund. Further, to raise and appropriate Three Thousand Dollars (\$3,000) for the 2010 expenses to be withdrawn from the Fire and Ambulance Special Revenue Fund. (Two-thirds vote required); Article 22: To see if the Town will vote to raise and appropriate the sum of Two Thousand Five Hundred Dollars (\$2,500) to be deposited in the Mosquito Control Expendable Trust Fund established by Town Meeting in 2008 for the purpose of mosquito control measures that may be necessary on an emergency basis due to mosquito borne illnesses. (Majority vote required); Article 23: To see if the Town will vote to raise and appropriate the sum of One Thousand Five Dollars (\$1,500) to compensate the Bookkeeper of the Trustee of Trust Funds. (Majority vote required); Article 24: To see if the Town of Greenland will vote to vote to raise and appropriate the sum of Three Thousand Dollars (\$3,000) to provide funding for COAST, a transportation program that serves Greenland residents and to authorize the withdrawal of \$3,000 for that purpose from the Municipal/Regional Transportation Improvement Capital Reserve Fund established in 2006 under the provisions of RSA

261:153 VI and funded through the additional charge to motor vehicle registrations; Article 25: To see if the Town will vote to increase the membership of the Conservation Commission as established by Town Meeting in 1966 from five members to seven members to administer and exercise the powers conferred by RSA 36 A. (Majority vote required); Article 26: To see if the Town will vote to authorize annual registration of commercial establishments and to establish an annual fee of \$50.00. The registration of businesses will help increase and maintain the safety of commercial buildings in the Town of Greenland and provide the fire department with important information regarding the current use of the building and any hazards that the town should be aware of. Revenue received will be used to offset the costs associated with a fire inspection program with the goal of completely inspecting all commercial structures over a five (5) year cycle or less. (Majority vote required), Mr. Cummings suggested the word "authorize" be changed to "require"; Article 27: Shall we delegate the duties and responsibilities of the cemetery trustees to the board of selectmen? (Majority vote required); Article 28: To see if the Town will vote to accept Great Bay Drive East and Great Bay Drive West as town roads, in their current condition, upon receipt of deeds releasing all rights, title and interests from all current owners of record; Article 29: To see if the Town will vote to adopt the following Selectmen's Ordinance governing animals running at large. DEFINITIONS: Animal: All domestic and non-human animals. The term animal, where it occurs in its ordinance, shall include, but not be limited to cattle, bovines, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk, fallow deer, red deer and reindeer, equines and canines. Running at Large: The above referenced animal(s) in which: trespass onto property of another, town roads/streets (regardless if maintained by the Town of Greenland or the State of New Hampshire), public property or lands, highways or other areas not owned by the animal(s) owner.

1. Permitting animals(s) to run at large:
 - (a) It shall be unlawful for the owner of any animal to knowingly, voluntarily, negligently or willfully permit any such animal to run at large in the Town of Greenland wither upon the premises of another or upon the public lands, highways, roads or streets (whether maintained by the State of New Hampshire or Town of Greenland).
 - (b) Nothing in this section or elsewhere in this ordinance shall it be construed to make it unlawful to run animals at large on the premises of another when the owner or person in charge of the premises has consented in writing to allow the animal(s) onto his/her property. The animals must be contained to the consenting person's property only, in order to mitigate penalties of this ordinance.
2. Owner of animal(s) liability from resulting damage:
 - (a) The owner of such animal running at large, shall be liable for any and all damages done to crops, lawns, trees, ornamental shrubs, flowers or any other property belonging to any person. Damages are to be recovered through any court of competent jurisdiction. The owner of any animal may be held liable for any damages to any motor vehicle or any occupant thereof suffered, caused by or resulting from a collision with such stock or other animal, if it is proven that such owner

knowingly or willfully or negligently allowed such animal upon such public highway, road or street where such damages were occasioned.

3. Recovery of animal(S) by owner:

- (a) The Owner of the recovered animal(s) shall be responsible for any pick-up, boarding, medical or sustenance provided by the animal shelter caring for such animals in the event that the animals are recovered by any approved organization such as the Society to Prevent Cruelty to Animals (SPCA). The owner of the seized animal(s) were seized for rescue, running at large, neglect or animal cruelty. In this instance, the Town of Greenland, shall not be held liable for charges or damages.

Civil Penalty: A monetary fine of \$50.00 may be imposed for such infractions of this ordinance. It shall be at the discretion of the investigating officer, Police Chief, or Board of Selectmen whether a fine is to be levied against the offender.

Ms. Anderson stated the final draft and order of these warrant articles will be available after February 8th.

4. Demolition of 583 Portsmouth Avenue

Ms. Anderson stated Mr. Filmore contacted her regarding the purchase of the front house at 583 Portsmouth Avenue and informed her he was no longer interested in it. She reminded the Board that there were three bids received to demolish the building. Mr. Sodini felt the Board should go back to their first option, which was to have Danley Demolition demolish the building. Mr. Sanderson agreed, as did the rest of the Board. After the discussion, the following motion was made:

Motion 3: Paul Sanderson moved to approve Danley Demolition to demolish and remove the front house at 583 Portsmouth Avenue. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

5. Request for Easter Egg Hunt & Sunrise Service on Town Property

The Board reviewed a request (attachment 3) from the Greenland Congregational Church to hold an Easter Egg Hunt on March 27th and an Easter Sunrise service on April 4th, on Town property. After the review, the following motion was made:

Motion 4: Charles Cummings moved to approve the use of Town property for an Easter Egg Hunt and Sunrise Service, in coordination with the Police Department to help with any necessary traffic control on those dates. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

6. NH Beautiful Grant Application: Recycling equipment

The Board reviewed the NH the Beautiful grant application for recycling equipment to be used at the Transfer Station. After the review, the following motion was made:

Motion 5: Jon Wendell moved to approve the NH Beautiful grant application. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

The Board proceeded to sign the application.

7. 2010 Capital Improvement Plan

The Board reviewed the 2010-2019 Capital Improvement Plan (C.I.P.) that was signed and forwarded from the Planning Board. Ms. Anderson stated the Planning Board wishes to form a C.I.P. committee sometime after Town Meeting that will include members from the Budget Committee, Selectmen and Planning Board. After the review, the following motion was made:

Motion 6: Charles Cummings moved to accept the 2010-2019 C.I.P. as presented, with thanks to Mr. Aidan Moore for his hard work. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

8. Veteran's Exemption

The Board reviewed a veteran's exemption. After the review, the following motion was made:

Motion 7: Paul Sanderson moved to accept the veteran's exemption as presented by the Town Administrator. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

9. Petition for land swap

The Board reviewed Attorney Loughlin's court petition for the land swap regarding swapping a part of Town owned conservation land, for a part of Troy Thibodeau's land located at 945 Portsmouth Avenue.

Motion 8: Paul Sanderson moved to approve the petition regarding Troy and Diane Thibodeau vs. Mark Maynard, Trustee of the Morgan Ryan Realty and authorize the Town Administrator to sign this verified petition on behalf of the Town. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

10. Abatement request

The Board reviewed an abatement request for the Greenland Congregational Church parsonage, in the amount of \$390,800. After the review, the following motion was made:

Motion 9: Charles Cummings moved to approve the abatement request as presented by the Town Administrator. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

11. Accounts Payable Manifest #2

The Board reviewed accounts payable manifest #2, dated January 28, 2010, in the amount of \$223,819.27. After the review, the following motion was made:

Motion 10: Paul Sanderson moved to approve accounts payable manifest #2, in the amount of \$223,819.27. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

12. Accounts Payable Manifest #35 for 2009

The Board reviewed accounts payable manifest #35 for 2009 in the amount of \$17,335.98. After the review, the following motion was made:

Motion 11: Paul Sanderson moved to approve accounts payable manifest #35 for 2009, in the amount of \$17,335.98. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

MINUTES

The Board reviewed the minutes of January 11th. There were no suggested changes made to the minutes and the following motion was made:

Motion 12: Paul Sanderson moved to approve the January 11th minutes as presented. Jon Wendell seconded the motion. There was a vote of 4 for and 1 abstained (C. Cummings). MOTION CARRIED.

The Board reviewed the minutes of January 18th. There were no suggested changes made to the minutes and the following motion was made:

Motion 13: Paul Sanderson moved to approve the January 18th minutes as presented. Charles Cummings seconded the motion. There was a vote of 3 for and 2 abstained (J. Wendell, B. Dearborn). MOTION CARRIED.

Other Business

1. The Board reviewed a Motion to Dismiss (attachment 4) from Attorney Loughlin, regarding the Brackett court case.
2. The Board reviewed a letter of support from the Coastal Program regarding grant funds for the high resolution aerial photography that the Board was interested in pursuing. After the review, the following motion was made:

Motion 14: Paul Sanderson moved to authorize the Chairman of the Selectmen to sign the letter of support for the Coastal Program to get funding for the high resolution aerial photography. Jon Wendell seconded the motion. All were in favor. MOTION CARRIED.

3. Mr. Cummings updated the Board on the proposed generator at the school. He stated Mr. Fernald is going to provide a letter of fact finding to the school board and will inform the Selectmen of their decision.
4. The Board was informed that on February 6th, a practice Emergency Management drill will be conducted at the Town Hall.
5. The Board informed the public that Town Office positions are now open for sign-ups until Friday, January 29th.

Having no other business to discuss, the following motion was made:

Motion 15: Bruce Dearborn moved to adjourn the meeting at 8:53 P.M. and Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

Transcribed and typed by:

Amy Leonard
Selectmen's Secretary

Attachments:

1. Sanderson Road resident complaint letter
2. Timber Tax Warrant, re: R2, Lot 5B
3. Request for use of Town property, re: Easter Egg Hunt & Sunrise Service
4. Motion to Dismiss, re: Brackett court case
5. Agenda, dated 1/25/10

Approved by the Greenland Board of Selectmen on February 8, 2010.