

**GREENLAND BOARD OF SELECTMEN
MEETING MINUTES**

Monday, February 8, 2010

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

Staff: Karen Anderson, Town Administrator

Agenda

Chair Sodini opened the Board of Selectmen public meeting at 7:00 P.M. He announced that a quorum was present and the meeting was being recorded.

Administrative & Other Items

1. Final Review of warrant articles & determine final order of articles

The Board reviewed a second draft of the proposed warrant articles for the 2010 Town Meeting. Ms. Anderson stated the first ten items are the zoning articles from the Planning Board. The following are the rest of the proposed warrant articles: 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. 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 following motion was made regarding Article 11:

Motion 1: Paul Sanderson moved to not recommend Article 11. Charles Cummings seconded the motion.

Mr. Sanderson explained his reasoning to not recommend Article 11. He stated they put in the bond article out of consideration for the Conservation Commission, but felt there are no identified parcels of property or known interest rate for the bond, and did not think it was in the best interest of the Town to bond such a high amount. Mr. Cumming agreed. He felt it was not the right year to do this, considering the economy, and there is no specific parcel in mind. The rest of the Board agreed. After the discussion on Motion 1, a vote was taken.

There was a vote of 5 - 0 in favor of Motion 1, to not recommend Article 11. MOTION CARRIED.

Article 12: 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 agents 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 following motion was made regarding Article 12:

Motion 2: Paul Sanderson moved to recommend Article 12. Jon Wendell seconded the motion. All were in favor. MOTION CARRIED.

Article 13: To see what sum the Town will vote to raise and appropriate for the operating budget. The Budget Committee recommends \$----- the Selectmen recommends \$-----. 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 and was not discussed.

Article 14: 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, established in 2001, 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); the following motion was made regarding Article 14:

Motion 3: Jon Wendell moved to recommend Article 14. Paul Sanderson seconded the motion. There was a vote of 4 in favor and 1 against (B. Dearborn). MOTION CARRIED.

Article 15: To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) for matching potential grant fund opportunities related to conservation, or 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 made amendments to this article and the following motion was made regarding Article 15:

Motion 4: Charles Cummings moved to recommend Article 15 as amended. Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

Article 16: To see if the Town of Greenland will vote to raise and appropriate the sum of One Hundred Seventy Thousand Dollars (\$170,000) to be added to the existing Town Vicinity Capital Reserve Fund, established in 2004. (Majority vote required); the Board made amendments to this article and the following motion was made regarding Article 16:

Motion 5: Paul Sanderson move to recommend Article 16 as amended. Jon Wendell seconded the motion. All were in favor. MOTION CARRIED.

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); the following motion was made regarding Article 17:

Motion 6: Charles Cummings moved to recommend Article 17. Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

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); the following motion was made regarding Article 18:

Motion 7: Paul Sanderson moved to recommend Article 18. Jon Wendell seconded the motion. All were in favor. MOTION CARRIED.

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); the following motion was made regarding Article 19:

Motion 8: Paul Sanderson moved to recommend Article 19. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

Article 20: 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); the following motion was made regarding Article 20:

Motion 9: Paul Sanderson moved to recommend Article 20. Jon Wendell seconded the motion. All were in favor. MOTION CARRIED.

Article 21: 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); the following motion was made regarding Article 21:

Motion 10: Paul Sanderson moved to recommend Article 21. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

Article 22: 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); the following motion was made regarding Article 22:

Motion 11: Paul Sanderson moved to not recommend Article 22. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

Article 23: To see if the Town of Greenland will 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. (Majority vote required); the following motion was made regarding Article 23:

Motion 12: Paul Sanderson moved to recommend Article 23. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

Article 24: 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 25: To see if the Town will vote to require annual registration of commercial establishments and to authorize the Board of Selectmen to establish an annual fee schedule. 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. If approved, the registration of commercial establishments and establishment of the annual fee shall be effective July 1, 2010. (Majority vote required); the Board made amendments to this article and the following motion was made regarding Article 25:

Motion 13: Charles Cummings moved to recommend Article 25 as amended. Jon Wendell seconded the motion. All were in favor. MOTION CARRIED.

Article 26: To see if the Town will vote to establish a revolving fund pursuant to RSA 31:95-h, for the purpose of fire and safety inspection of commercial establishments, municipal and educational buildings. All revenues received from the annual fees for registration of commercial establishments will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the Town's general fund unreserved fund balance. The Town treasurer shall have custody of all monies in the fund, and shall pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created. If approved, this account will be established effective July 1, 2010. (Majority vote required); the Board made amendments to this article and the following motion was made regarding Article 26:

Motion 14: Charles Cummings moved to recommend Article 26 as amended. Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

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 reservation of rights, title and interests from all current owners of record. (Majority vote required)

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.

During the review, the Board rearranged the order of these warrant articles by moving Article 29 (animals running at large) to Article 12 and placing all conservation related articles together.

The Budget Committee's Public Hearing regarding these warrant articles and the overall budget is scheduled for Wednesday, February 10, 2010.

2. Abatement requests

The Board reviewed two abatement requests; one for 32 Sanderson Road and the other for 49 Tidewater Farm Road. The Board reviewed the Town Assessor's recommendation to approve both requests. The following motion was made:

Motion 15: Bruce Dearborn moved to approve the abatement request for 32 Sanderson Road. There was no second.

Regarding the request for 32 Sanderson Road, Ms. Anderson reminded the Board that there is a clogged culvert at the end of Sanderson Road, which is going to be cleaned, repaired and maintained this year by the Town. Mr. Sanderson stated he recognizes there is a problem with drainage in that area, but the Town is prepared to correct it. He felt they should wait and see if the culvert maintenance helps the excess water situation. Mr. Cummings agreed and noted without the resolution of the drainage problem, it would be premature to grant this abatement request. He suggested they defer the request until the middle of June.

Mr. Dearborn withdrew his motion to approve the abatement request for 32 Sanderson Road.

Regarding the request for 49 Tidewater Farm Road, the Board felt the abatement seemed really high considering the current assessment had just been determined last year during the re-evaluation. They asked that the assessor review this property again and compare it to other Tidewater Farm property sales. With that said, the following motion was made:

Motion 16: Paul Sanderson moved to re-refer the abatement request for 49 Tidewater Farm Road back to the assessor, for further review, and have him look at Tidewater Farm comparable sales. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

3. Accounts Payable Manifest (Police Special Detail Fund)

The Board discussed the disposal of the 2004 administrative car. Ms. Anderson noted the vehicle broke down and the estimate to fix it was more than they wanted to spend. She stated the Police Department is getting a new cruiser and will rotate their vehicles so their oldest one will now be the new administrative vehicle to be used for town business, by town employees. The Board reviewed a bid to buy the 2004 administrative car, in the amount of \$100.00. After the discussion, the following motion was made:

Motion 17: Charles Cummings moved to accept the bid of \$100.00 for the 2004 administrative car and authorize the Town Administrator to sign the title disposition. Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

The Board reviewed the accounts payable manifest in the amount of \$23,725.00 for the purchase of the new 2010 police cruiser. This amount will be withdrawn from the Police Special Detail Fund. After the review, the following motion was made:

Motion 18: Charles Cummings moved to approve the Police Special Detail Fund accounts payable manifest, in the amount of \$23,725.00, for the purchase of a new 2010 police cruiser. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

4. Accounts Payable Manifest #3

The Board reviewed accounts payable manifest #3, dated February 11, 2010, in the amount of \$266,942.16. After the review, the following motion was made:

Motion 19: Charles Cummings moved to approve accounts payable manifest #3, in the amount of \$266,942.16. Jon Wendell seconded the motion. All were in favor. MOTION CARRIED.

MINUTES

The Board reviewed the minutes of January 25th. Mr. Cummings stated he had made a very minor editorial change to the minutes and the secretary amended them. With that said, following motion was made:

Motion 20: Charles Cummings moved to approve the January 25th minutes as lightly amended. Jon Wendell seconded the motion. All were in favor. MOTION CARRIED.

The Board reviewed the minutes of February 1st. There were no suggested changes made to the minutes and the following motion was made:

Motion 21: Charles Cummings moved to approve the February 1st minutes as presented. Bruce Dearborn seconded the motion. There was a vote of 3 for and 2 abstained (J. Wendell, P.Sanderson). MOTION CARRIED.

Other Business

1. Chair Sodini asked what the Board's thoughts were in regard to putting the town land that was acquired from John Chick, located across from the school, up for sale. The Board discussed whether the City of Portsmouth may want to buy it, as it abuts the property where the Greenland well is located. It was agreed to raise the question with Portsmouth, with the option of having an easement to the recreation fields. The Board asked Ms. Anderson to contact Portsmouth to see if they would want to meet to discuss this matter at an upcoming meeting.

2. Mr. Sanderson informed the Board that at the last the Planning Board meeting, they had a discussion regarding a proposed assisted living facility development in Rye, which abuts 58 acres of Town property off of Breakfast Hill Road. He noted a request could be made outlining the Rye project as a regional impacting project. He further noted there is federal funding available, through Rockingham Planning Commission (R.P.C.), with the Board's approval, to do a Phase I site environmental study of the Greenland property, as it is considered a Brownfield site. The Board agreed an assessment of the property would be a good idea and the following motion was made:

Motion 22: Paul Sanderson moved to authorize the Town Administrator to sign the consent and negotiate the access for R.P.C. to complete a Phase I Site Environmental Assessment Study on the Town property as discussed. Charles Cummings seconded the motion. All were in favor.
MOTION CARRIED.

3. The Board announced their next meeting is scheduled for February 22nd. Mr. Wendell stated he would not be present at that meeting.

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

Motion 23: Charles Cummings moved to adjourn the meeting at 8:34 P.M. and Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

Transcribed and typed by:

Amy Leonard
Selectmen's Secretary

Attachments:

1. Agenda, dated 2/8/10

Approved by the Greenland Board of Selectmen on February 22, 2010.