

**GREENLAND BOARD OF SELECTMEN
MEETING MINUTES**

Monday, April 26, 2010

Members Present: Chair Mo Sodini, Paul Sanderson, Charles Cummings, Vaughan Morgan and John Penacho

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.

Appointments

1. Stephen Gerrato, re: RPC Commissioner's Report

Stephen Gerrato, RPC Commissioner, reported on the RPC Commissioner's meeting he attended on April 14th in Sandown. The first item of interest was in regard to the implementation of impact fees on developers. He noted there is a good amount of revenue that the Town could receive for these fees. The second item of interest was regarding adopting a Fluvial Erosion Hazard program. A program such as this would help stop the wearing away of riverbeds and banks by action of water, prevalent at very high flows and in flood events. It would also target resources to minimize future erosion impacts caused by erosion, protect lives, property, infrastructure; thus enhancing public safety.

The Board thanked Mr. Gerrato for his report.

2. Paul Connolly, PE, Civil Works Eng., re: Driveway permits for Drehrer Holloway & Stearn's Way

Paul Connolly, PE, Civil Works Engineers, approached the Board to discuss two NH DOT driveway permits. The first driveway permit discussed was for 309 Portsmouth Avenue, LLC - Drehrer Holloway for the vacant lot (attachment 1). Mr. Connolly stated this permit would supersede approved permit #06-187-250 that was issued on January 24, 2005. He noted that since obtaining the approved driveway permit, Mr. Holloway has not decided whether he wants to develop that site or not and has continued to ask for yearly extensions from DOT. After Mr. Holloway submitted this year's extension request, DOT asked for a new permit application, which is why they are before the Board tonight. He indicated there is no action required by the Board on this, it is strictly informational and only to keep the driveway permit active. Mr. Connolly noted that Mr. Holloway still is unsure about development, but may come before the Planning Board within the next several months.

The second driveway permit discussed was for Stearn's Way (attachment 2). Mr. Connolly stated they applied for a driveway permit to upgrade the entrance of Stearn's Way on March 3, 2010, under the name of Michael Gill. He stated DOT requested the application be in the Town's

name as Stearn's Way is a Class VI town road. At the same time the permit was applied for, the plans were sent out for review to the Town's Engineer and public safety officials. Mr. Connolly stated the proposal is for a 12' wide gravel road, which is sloped away from Post Road, with 1½' gravel shoulders. He noted one of the comments on the plans was in regard to the portion of the Gordon garage that was supposed to be removed based on the Supreme Court decision. Mr. Sanderson explained that this is an existing Class VI road, created by a Supreme Court decision. He felt it was appropriate to have the Town submit the application, regardless of any alterations. He stated Stearn's Way is a Town road and the Board should deal with it appropriately. Mr. Morgan asked why the Board was reviewing this. Mr. Sodini responded that the Supreme Court ruled that it was a Class VI road. Mr. Cummings inquired on the order of process and asked if the Planning Board has to review and comment on it first. Mr. Sanderson stated they could wait for the Planning Board to have a hearing for the alterations or they could apply for the driveway permit and deal with the alterations afterwards. Mr. Connolly stated the Planning Board wants to see the driveway permit in hand, subject to their revisions to the plan. He indicated they went to the DOT first for their technical review from the State. The submitted plans are for a 12' road; the Planning Board will take the issue of the width. Mr. Sanderson stated DOT may require the Gordon driveway be discontinued and have them use Stearn's Way as their access.

Stephen Gerrato, Post Road, stated he believes the driveway application is written wrong. He said the Court system was very clear in determining that Stearn's Way is not a private driveway for Mr. Gill. He noted the road plan points that this is a driveway for Mr. Gill and they are designing a road. Mr. Gill's driveway off of Stearn's Way should come later. Mr. Gerrato proceeded to read the court findings. He stated the application reads this is a curb cut for a residence, which is wrong and should be rewritten. Andy Birse, 514 Post Road, asked if this was just procedure for the Town to have a curb cut for this road. The Board responded yes.

After the discussion, the following motion was made:

Motion 1: Paul Sanderson moved that the Board of Selectmen authorize the Town Administrator to sign a driveway permit application, on behalf of the Board, to be filed with DOT District VI, seeking to have the current location of Stearn's Way recognized as a Class VI Town road and attach copies of the Supreme Court order so that DOT District VI will have it in their records and have that location identified; and further, that that document, as well as Mr. Connolly's proposal, be referred to the Planning Board for additional comment and when they have had the opportunity for comment, the Selectmen will look at the issue again. Vaughan Morgan seconded the motion. All were in favor.
MOTION CARRIED.

After the motion, the Board authorized Ms. Anderson to change the permit application, so "private driveway" is removed and put "Class VI road" in its place. Mr. Gerrato asked that these minutes reflect his concern that DOT will not understand what the Town is doing with this application.

Administrative & Other Items

1. Remembrance Park

The Board discussed Leroy Syphers' letter of resignation (attachment 3) from his part in the care of Remembrance Park. They commented on the nice job he has done in caring for the park and the following motion was made:

Motion 2: Vaughan Morgan moved to send a letter to Mr. Syphers, relaying their appreciation to him for his maintenance of the park. John Penacho seconded the motion. All were in favor. MOTION CARRIED.

2. Abatement

The Board reviewed an abatement request in the amount of \$33.88. After the review, the following motion was made:

Motion 3: Paul Sanderson moved to approve the abatement request in the amount of \$33.88 for 350 Portsmouth Avenue as presented by the Town Administrator. John Penacho seconded the motion. All were in favor. MOTION CARRIED.

3. Cemetery mowing

The Board continued their discussion regarding the cemetery mowing for the 2010 season. Mr. Fitzgerald, Cemetery Trustee, updated the Board stating the trustees feel it would be in the best interest of continuity to keep Mr. Davies mowing the cemetery until the Trustee's next meeting in June. Mr. Sodini suggested the Cemetery Trustee's hold their meetings at a time more conducive to the public attending, rather than at 7:45 A.M. at the Vets Hall. Mr. Sanderson stated since Town Meeting, the State has cut the Town's revenues an additional 20% and the budget flexibility has become less. After the discussion, the Board stated the Property Maintenance Supervisor could take over the cemetery mowing, but in the mean time, the cost for the mowing by Mr. Davies will be taken out of the cemeteries appropriation line item. When that budget is spent, no more bills would be paid for mowing. Mr. Sodini suggested the Cemetery Trustees call a meeting sooner than June to discuss this important issue. The Board stated they would like to work together with the Trustees in the best interest of the Town.

4. Payroll manifest #9

The Board reviewed payroll manifest #9, dated for April 29, 2010. After the review, the following motion was made:

Motion 4: Vaughan Morgan moved to approve payroll manifest #9, dated April 29, 2010, in the amount of \$40,485.88 as presented. John Penacho seconded the motion. All were in favor. MOTION CARRIED.

5. Accounts Payable #2 - Medical Trust

The Board reviewed special accounts payable manifest #2, which is a transfer for medical trust. After the review, the following motion was made:

Motion 5: John Penacho moved to approve special accounts payable #2 manifest for the transfer for medical trust, dated April 29, 2010, in the amount of \$2,196.48. This information is confidential and will not be released to the public. Vaughan Morgan seconded the motion. All were in favor. MOTION CARRIED.

6. Accounts payable manifest #9

The Board reviewed accounts payable manifest #9. After the review, the following motion was made:

Motion 6: Vaughan Morgan moved to approve accounts payable manifest #9, dated April 29, 2010, in the amount of \$186,944.73 as presented. John Penacho seconded the motion. All were in favor. MOTION CARRIED.

MINUTES

The Board reviewed the minutes of April 12th. There were no suggested changes made to the minutes and the following motion was made:

Motion 7: Charles Cummings moved to approve the April 12th minutes as presented. Vaughan Morgan seconded the motion. All were in favor. MOTION CARRIED.

Other Business

1. The Board reviewed a written request for reappointment to the Conservation Commission from Chip Hussey. After the review, the following motion was made:

Motion 8: Charles Cummings moved to reappoint Chip Hussey to serve on the Conservation Commission for a 3-year term. Vaughan Morgan seconded the motion. All were in favor. MOTION CARRIED.

2. Ms. Anderson informed the Board that the Highway Safety Committee met on Monday to discuss two safety grants that were received as approved. One was for speed enforcement and the other for DWI patrols. The Board proceeded to review the grants. After the review, the following motion was made:

Motion 9: Paul Sanderson moved to accept and sign the two Highway Safety grants as presented through the police chief. John Penacho seconded the motion. All were in favor. MOTION CARRIED.

3. Ms. Anderson briefly updated the Board on the Soft Draw tax appeal.
4. The Board continued discussing possible uses for the "Chick" land that the Town bought a few years ago. Mr. Morgan stated he met with the Building Inspector and discussed/reviewed the property file. He noted it was the Building Inspector's professional opinion that the property would not be a good choice for a future cemetery due to the wetness of the lot.

Mr. Morgan stated that the Building Inspector felt the Holly Lane lot was not a good buildable lot either, due to the wetness of that lot.

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

Motion 10: Paul Sanderson moved to adjourn the meeting at 8:42 P.M. and Vaughan Morgan seconded the motion. All were in favor. MOTION CARRIED.

Transcribed and typed by:

Amy Leonard
Selectmen's Secretary

Attachments:

1. Driveway permit app.; re: 309 Portsmouth Ave.
2. Driveway permit app.; re: Stearn's Way
3. Resignation letter from Leroy Syphers, re: Remembrance Park
4. Agenda, dated 4/26/10

Approved by the Greenland Board of Selectmen on May 10, 2010.