

**GREENLAND BOARD OF SELECTMEN
MEETING MINUTES**

Monday, May 24, 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.

Public Hearing

Chair Sodini stated the purpose of this second public hearing under RSA 41:14(a), was for the Selectmen to take comments from the public regarding the disposition of the Town's interest in 1) A right of way located on Nantucket Place, between Map R11, Lots 66 and 67; and 2) Two parcels of land acquired by tax deed, located at 32 and 35 Holly Lane.

Chair Sodini opened the hearing for public comments. Dana Van Patten, 47 Nantucket Place, spoke in favor of removing the right of way on Nantucket Place. Ms. Bergeron also spoke in favor of removing the right of way. The Board read the Conservation Commission comments, which recommended the width of the right of way be reduced to 10' (5' on either side of the property line). This will allow the Town to access this property without the expense of a bridge over Thompson Brook and should eliminate the lot line set back problems which they understood to be the main reason for this request. If an official trail were to be built, the 10' width would allow for screening to be planted giving both lots additional privacy. Mitch Sevigny, representing owner of 47 Nantucket Place, stated he understood the right of way was for access to developable land in the back of the properties. Ms. Anderson stated the property adjacent to this right of way would become conservation land at the conclusion of a proposed land swap.

Regarding the disposal of the two parcels on Holly Lane for the Habitat for Humanity project, Eric West stated he was not in favor of giving the land away. He further stated that it is Town land that abuts privately owned conservation land. He indicated he had asked to buy the land last year and walked the property. He felt there is only one actual buildable lot and suggested test pits could be done to verify that. Mr. West noted Habitat for Humanity is a great idea, but felt giving the properties away would not be the highest or best use for the Town. The Board read the Planning Board comments, which suggested the same thoughts to sell the properties. Mr. Morgan stated he received three calls from local residents that were in favor of selling the land, not giving it away. Pam Tucker, Eagle Court, stated she would be in favor of keeping the properties as Town land. Her second choice would be to sell it to the highest bidder. She indicated there is a

downshift of taxes from the State and the Town needs to get the highest value for the land. Hearing no other comments, the hearing was closed.

Ms. Anderson stated the Board cannot take any action on either matter until the June 7th meeting.

Appointments

1. Stearn's Way - Class VI driveway permit discussion

Mr. Sanderson updated the audience on the current status of the Stearn's Way driveway access onto Route 151. He indicated that DOT requires a physical separation between the Gordon driveway and Stearn's Way. He further indicated that per Town Meeting vote, the residents do not want Stearn's Way discontinued. He reminded everyone that the Supreme Court has ruled that it is a Class VI road.

Paul Connolly, Civilworks Engineering, representing Michael Gill, stated DOT District 6 said there cannot be two points of access so close together and the Supreme Court decision takes precedent. Ultimately, the Gordon driveway needs to come off Stearn's Way. Mr. Sanderson stated that is what District 6 told him as well. Dick Gordon, 546 Post Road, stated he has discussed an easement with Mr. Gill to move the road over, but the problem is going to be backing out of the driveway onto Stearn's Way; he felt it might be a safety issue. He indicated he would not agree to or sign off on anything unless he hears from the court that the garage will not be ordered to be taken down. Mr. Sanderson noted all parties could make an agreement and ask that it be entered as an order of the court. Mr. Morgan stated he visited the area and the right of way and driveway looked as if they overlap each other. Stephen Gerrato, 512 Post Road, asked how much land the Town has regarding the width of Stearn's Way. Mr. Connolly responded the road has a width of 28'. He stated if the road was moved over 4', the Gordon garage would be out of the right of way. Mr. Connolly further stated there is no taking of Mr. Gordon's land because he owns both properties on either side of Stearn's Way, so it is more of a swap by relocating the road. Mr. Gerrato asked why Mr. Connolly put the road width as 12' on the plan and again asked how wide the road is at Post Road. Mr. Sodini stated the width of the road is not the issue at hand, resolving the driveway permit is and reminded everyone again that the Supreme Court ruled Stearn's Way as a Class VI road. Mr. Gerrato stated the courts cancelled the 28'8" right of way. Andy Birse, 514 Post Road, noted that when they dealt with this road before, Mr. Gerrato wanted to use the road to access his lot and he was turned down. He further asked what if Mr. Gordon did relocate his driveway and the State still said no. Mr. Sanderson stated the intervening factor is the Supreme Court decision. Mr. Connolly offered to prepare a sketch of the "swing" and mark the ground where the Gordon's will have to enter their property off of Stearn's Way. He suggested the sketch be reviewed by District 6 to see if it meets their approval before Mr. Gordon spends any money. Mr. Sanderson stated if the parties are in agreement, the Selectmen would advocate on their behalf with DOT. Mr. Cummings stated the common interest is minimizing everyone's legal expenses. Mr. Sanderson noted this proposal is sensible and would make it easier for a judge to approve it. Mr. Gerrato asked Mr. Gill if he got a settlement from his title company. Mr. Sodini noted that was not an appropriate question or relevant.

Mr. Gordon asked what it would take to make Stearn's Way a Class V road. Mr. Sanderson responded it would need substantial and additional land to be built to Town standards and would need a Town Meeting vote.

After the discussion, Mr. Cummings thanked all the parties for coming. It was decided to meet again for further discussion at the June 7th meeting.

Administrative & Other Items

1. Current Use Release, re: R2, Lot 81

The Board reviewed a current use release for Map R2, Lot 81, in the amount of \$6,594.00. After the review, the following motion was made:

Motion 1: Vaughan Morgan moved to approve the current use release for Map R2, Lot 81, as presented by the Town Administrator. Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

2. Parking for Boy Scout trailer

The Board discussed a request to park a small trailer on Town property from Boy Scout Troop 158. More information was needed before the Board could approve the request. Mr. Sanderson stated he would get more information and bring it back to the next meeting.

3. Caswell Field, re: property line

Ms. Anderson updated the Board with a recent complaint from a resident that abuts the ball field at Caswell Park. She explained that volunteers started trimming the overgrowth of a potentially harmful rose bush that was hanging over one of the dugouts. The bush ended up being removed, leaving no privacy between the ball field and the closest residence. The volunteers were using utility wires as the property boundary, but that was incorrect. Growth was removed from private property. The Board stated they would agree to a written release of liability, signed by the Town and abutter, that the remedy would be to install a 6' high by 50' long chain link fence with privacy slats on Town property. After the review, the following motion was made:

Motion 2: Paul Sanderson moved to have Ms. Anderson write up a release of liability letter to be signed by the Town and the abutter and to work with the Property Maintenance Supervisor to install a 6' high by 50' long chain link fence with privacy slats. Vaughan Morgan seconded the motion. All were in favor. MOTION CARRIED.

Mr. Cummings requested Ms. Anderson write a thank you letter to the fence company that is donating the chain link fence.

4. General Services Contract, re: Underwood Engineering

The Board continued reviewing the General Services Contract, submitted by Underwood Engineering. After the review, the following motion was made:

Motion 3: John Penacho moved that the Selectmen agree to sign the General Services Contract as submitted by Underwood Engineering. Vaughan Morgan seconded the motion. All were in favor. MOTION CARRIED.

5. Accounts payable manifest #11

The Board reviewed accounts payable manifest #11. After the review, the following motion was made:

Motion 4: Vaughan Morgan moved to approve accounts payable manifest #11, dated May 27, 2010, in the amount of \$31,818.96 as presented. John Penacho seconded the motion. All were in favor. MOTION CARRIED.

6. Accounts Payable #4 - Medical Trust

The Board reviewed special accounts payable manifest #4, which is a transfer for medical trust. After the review, the following motion was made:

Motion 5: Vaughan Morgan moved to approve special accounts payable #4 manifest for the transfer for medical trust, dated May 27, 2010, in the amount of \$474.09. This information is confidential and will not be released to the public. John Penacho seconded the motion. All were in favor. MOTION CARRIED.

7. Accounts Payable #3 - Police Details

The Board reviewed special accounts payable #3 for police details. After the review, the following motion was made:

Motion 6: Vaughan Morgan moved to approve special accounts payable #3 for police details in the amount of \$48,500.00. Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

8. Payroll manifest #11

The Board reviewed payroll manifest #11, dated for May 27, 2010. After the review, the following motion was made:

Motion 7: Vaughan Morgan moved to approve payroll manifest #11, dated May 27, 2010, in the amount of \$41,087.88 as presented. John Penacho seconded the motion. All were in favor. MOTION CARRIED.

MINUTES

The Board reviewed the minutes of May 10th. There were no suggested changes made to the minutes and the following motion was made:

Motion 8: Charles Cummings moved to approve the May 10th minutes as presented. Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

Other Business

1. The Board presented State Rep. Pam Tucker with the framed saw from the Lowes grand opening "board cutting".
2. Ms. Anderson informed the Board of an ongoing drainage issue on September Drive. She stated she received a proposal from Bourassa Construction in the amount of \$800, which included installing a 3' long hot top swale. She stated the swale would be on Town property, but the road is owned by the State. The Board agreed to run the proposal by DOT for permission and discuss it further at an upcoming meeting.
3. The Board continued discussing the cemetery mowing. Ms. Anderson informed the Board that in the next manifest, there will be a bill for mowing, which will put the Cemetery Trustees budget over by \$107.00. Mr. Morgan stated the Cemetery Trustees will be holding a meeting soon and will be discussing this matter.
4. Mr. Gerrato stated the RPC Commissioner's need a list of the Conservation Commission members. Ms. Anderson stated she would get the list and their contact information to him. Mr. Gerrato asked if the Town would be interested in hosting a RPC meeting sometime in the near future. The Board was open to the idea.

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

Motion 9: Vaughan Morgan moved to adjourn the meeting at 8:30 P.M. and John Penacho seconded the motion. All were in favor. MOTION CARRIED.

Transcribed and typed by:

Amy Leonard
Selectmen's Secretary

Attachments:

1. Agenda, dated 5/24/10

Approved by the Greenland Board of Selectmen on June 7, 2010.