



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, March 19, 2018 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chester Deorocki, Chip Hussey, Vaughan Morgan, Jim Rolston, Paul Sanderson

Members Absent:

Staff: Karen Anderson – Town Administrator; Marge Morgan – Town Clerk

Chair Morgan opened the Board of Selectmen meeting at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded. P. Sanderson requested that signing a corrected deed for the Wendell property be taken out of order; the wording of the Board's acknowledgement on the previous deed was incorrect.

1. Reorganization of the Board

The Board was reorganized following the elections on Tuesday, March 13, 2018.

MOTION: V. Morgan nominated P. Sanderson as Chairman of the Board of Selectmen. Second – J. Rolston; all in favor. MOTION CARRIED

P. Sanderson stated he was happy to act as Chairman and manage Board meetings. He is a full-time employee in Concord and not in Town when the Town Offices are open, which is limiting. He continued that he would need help from the Board to accomplish things during the week.

MOTION: P. Sanderson nominated V. Morgan as Vice Chairman of the Board of Selectmen. Second – J. Rolston; four in favor, one abstain (V. Morgan). MOTION CARRIED

V. Morgan noted Board members had remained the same. He had heard from several departments they were happy with their liaisons. Marcia McLaughlin, Library Trustee Chairman, stated she would like J. Rolston to continue as their liaison. V. Morgan proposed to leave liaison assignments the same as last year, with one exception.

MOTION: V. Morgan nominated P. Sanderson as the liaison for the Property Maintenance Supervisor. Second – J. Rolston; all in favor. MOTION CARRIED

V. Morgan stated that P. Sanderson had an excellent rapport with the Property Maintenance Supervisor and would work well with C. Deorocki regarding the Property Maintenance Supervisor's job assignments with the Recreation Department. C. Hussey stated he would like to comment during a non-public session. P. Sanderson stated he would be the liaison, noting his comments above and that input from Board members was absolutely welcome.

Liaison assignments: C. Deorocki – Recreation Department; C. Hussey – Budget Committee, Alternate – Selectmen’s Representative to the Planning Board; V. Morgan – Police and Fire Departments; J. Rolston – Town Administrator, Building Inspector and Library; P. Sanderson – Selectmen’s Representative to the Planning Board and CIP Committee. C. Hussey noted that the CIP wasn’t done last year and would like to see it done this year.

I. APPROVAL OF MINUTES

1. Monday, March 05, 2018

J. Rolston added the word “in” on page 5, last sentence under Item 4 – Recognition Program.

MOTION: P. Sanderson moved to approve the minutes of Monday, March 05, 2018 as amended. Second – J. Rolston; all in favor. MOTION CARRIED

II. OLD BUSINESS

1. Coakley Update

K. Anderson updated the Board that on February 12, 2018, the Governor’s Council signed the grant in the amount of \$200,000 for the water line study on Breakfast Hill Road. Portsmouth received two grants in this round including an additional \$200,000 for protection of the well radius in Madbury. V. Morgan told the audience that K. Anderson and P. Sanderson were handling the Coakley issues.

P. Sanderson stated that the emergency rule for fish in Berry Brook had passed, making it a “catch and release” location only. Fish and Game will be participating with EPA and DES in the QAPP, testing fish tissue during the summer. The fish that is stocked will be marked so if caught for testing they’ll know its hatchery fish. This will indicate if there is any bio-accumulation in that area.

Dennis Malloy, 10 Van Etten Drive and State Representative: The House overturned the Committee recommendation for DES to require pump and treat remediation of the Coakley Landfill.

P. Sanderson stated there is a bill to subject the Coakley Landfill Group to the Right-to-Know Law; it will come before the House this week. V. Morgan added there will be a meeting at the Bethany Church on Thursday, April 05, 2018 at 6 p.m. That meeting is open to the public.

2. Other Old Business

Great Bay Drive West Planning Board Update: Mrs. Hagner, Great Bay West, was at the Planning Board meeting on Thursday, March 15, 2018, for an update on the current status of Great Bay Drive West. David Hagner was present at this Board of Selectmen meeting. P. Sanderson updated those present on the status of the engineering. A temporary construction easement has been declined. D. Hagner discussed his meeting with the Brackett’s. They were generally amenable to seeing the road improved to the specifications of the Underwood Engineering design. He has also met with Mark Fougere, Planning Board Consultant, and the Planning Board. After briefly reviewing the Planning Board meeting he attended, D. Hagner told the Selectmen the next move was beyond his scope. He felt it “was hanging up for no reason”. P. Sanderson stated that the Brackett’s wanted to be guaranteed by the Town that in the future, should a subdivision occur on their open property, the road wouldn’t have to be changed and that the Town would build curb cuts off the road for them. It was explained to them that in a

subdivision the Planning Board would review it and make a determination; it was routine for developers to be asked to upgrade a road to specific standards. That was when the communication stopped. D. Hagner responded that M. Fougere felt an 18' road could be built that would suit the needs of residents in the area. Should the Brackett's decide later to develop their land, it would be in the future and they could come back to the Planning Board and Selectmen. It could be dealt with at that time and additional stipulations could be added in terms of the development. P. Sanderson stated he would agree with that if the Brackett's would grant a temporary construction easement without any form of guarantee for the future. No one has spoken to the Brackett's since the breakdown in communication. David Wolowitz, Great Bay Drive West, suggested that Peter Loughlin, Town Attorney, contact the Brackett's to get a temporary construction easement signed. He felt it may be the most cost effective way to handle the situation because the road will eventually deteriorate and residents in that area would have to deal with the road themselves.

MOTION: P. Sanderson moved to request that the Town Attorney contact the Brackett's to have an easement signed. Second – J. Rolston; all in favor. MOTION CARRIED

V. Morgan added that he understood their concerns; the Board had been ready to move forward until it was discovered that a Town Meeting vote stated it had to be done with Planning Board approval. He continued that if the Planning Board was in favor, he didn't feel there would be a problem with the Selectmen. The Board of Selectmen will forward to the Planning Board once the easement is signed. P. Sanderson stated that a very good ending resolution would be a temporary construction easement; the future is whatever it is, and to take what is there now and get it fixed so the residents were back in business. K. Anderson clarified that in speaking with Attorney Loughlin it would be to eliminate the future curb cuts and removal of additional trees. P. Sanderson felt trees wouldn't be a terrible problem because they may be necessary to do the current improvements. D. Wolowitz, with the Board's blessing, will contact Attorney Loughlin.

Update: Snow Plow Contract: C. Deorocki updated the Board that he's been working on the snow plow contract. He will have a draft for the next meeting.

III. NEW BUSINESS AND ADMINISTRATIVE

1. Review of Town Administrator's Bi-Weekly Report

Bank Fraud: C. Hussey questioned K. Anderson about Positive Pay and was it done after the manifests were approved. K. Anderson explained that after the manifests are voted on, the checks are run for official check numbers; then the approved checks are uploaded into the Positive Pay system. In order to maintain segregation of duties, the Bookkeeper puts together the Excel spreadsheet and K. Anderson does the uploading. P. Sanderson stated the Bookkeeper could do the uploading but she writes the checks and issues the check numbers. If she also uploaded the information, it could be an opportunity for something to go wrong. K. Anderson explained the bank fraud issue to the Board.

C. Hussey also questioned the processing of cash. K. Anderson explained that the Treasurer makes those deposits. The Transfer Station money is given to a Town Hall employee who counts it in front of a Property Maintenance Supervisor and a receipt is written. The money is then given to the Bookkeeper; it's recounted and a receipt is given to the Town Hall employee who originally counted the money. The money is then given to the Treasurer for deposit.

2. Approval of Annual Easter Egg Hunt – Saturday, March 24, 2018

The Community Congregational Church has requested its annual Easter Egg Hunt to be held on the Green on Saturday, March 24, 2018, at 10:00 a.m. They have coordinated with the Police, which is required because they meet at the School or Parish House and cross Post Road to the Green.

MOTION: C. Deorocki moved to approve the annual Easter Egg Hunt to be held on Saturday, March 24, 2018 at 10:00 a.m. on the Green. Second – J. Rolston; all in favor. MOTION CARRIED

3. Approval of Easter Sunrise Service on the Green – Sunday, April 01, 2018

The Easter Sunrise Service will be held at the Gazebo on Sunday, April 01, 2018 at 6:15 a.m. This is done annually.

MOTION: J. Rolston moved to approve the annual Easter Sunrise Service on the Green on Sunday, April 01, 2018, at 6:15 a.m. Second – C. Hussey; all in favor. MOTION CARRIED

4. Veterans Credit

Two Veterans Credit applications were received. One is a resident at 4 Doe Hill Lane who qualifies based on the years served and NH residency; both husband and wife qualify.

MOTION: C. Hussey moved to approve the Veterans Credit of \$500 for the resident at 4 Doe Hill Lane. Second – J. Rolston; all in favor. MOTION CARRIED

The second application was from a new veteran residing at 120 Portsmouth Avenue. He was discharged in November 2017 and qualifies for the All Veterans Credit.

MOTION: C. Hussey moved to approve the All Veterans Credit of \$500 for the resident at 120 Portsmouth Avenue. Second – J. Rolston; all in favor. MOTION CARRIED

5. MS-232: Report of Appropriations Actually Voted

The MS-232 Report is due 20 days after Town Meeting, and is the report of the appropriations actually voted. Appropriations actually voted is \$8,703,308. A substantial amount is offset by revenue; however, the revenues won't be updated until September 01. The appropriation voted includes the bond for the Library. If the recount changes the results, DRA will be notified.

MOTION: C. Deorocki moved to approve the MS-232 Report of Appropriations Actually Voted. Second – C. Hussey; all in favor. MOTION CARRIED

6. Flowage Release Request – Willowbrook Avenue

Drainage releases are relatively new. K. Anderson explained that for the project on Willowbrook Avenue, NHDOT requested she sign a flowage release. Stormwater from Willowbrook Avenue flows into the drainage connecting to Rt. 33. The Town would be responsible if they were aware of any contamination through drainage on Rt. 33. Any contamination caused by a vehicle accident would not be a Town responsibility. P. Sanderson added that NHDOT is subject to the DES Phase II program and are an MS-4. When the water flows into the drainage system they control, they want an acknowledgement that the water is clean and not the subject of an illicit discharge. The idea is to protect themselves against

liability through conveyance. J. Rolston clarified that if it's done by a citizen the Town is responsible. P. Sanderson responded that the Town is responsible vis-a-vis DOT but the Town would have a cause of action against the citizen responsible for the discharge.

MOTION: J. Rolston moved to authorize the Town Administrator to sign the flowage release for Willowbrook Avenue. Second – C. Deorocki; all in favor. MOTION CARRIED

7. School Closing on Election Days

C. Hussey requested he be authorized to meet with the School Board about closing school on voting days. M. Morgan stated that she and the Moderator have asked over the years. She suggested that C. Hussey also speak with the Police Chief. P. Sanderson added that the State has passed the Constitutional Carry Bill; individuals cannot be asked if they're carrying a firearm. A place of voting is not considered a school in the Safe School Zone. It was suggested that voting day could be a teacher workshop day. The Board was in agreement that C. Hussey could discuss the possibility of closing school on election days with the School Board. He will report back to the Selectmen.

8. Town Report Wages

J. Rolston noted there were some errors in the wage report included in the 2017 Town Report. His concern was that wages were listed at a lesser amount, some positions were incorrect and other minor errors. K. Anderson explained that for the last two years taxable wages were shown (the gross wages less the pre-tax deductions) and not the gross paid wages; this is similar to the School. V. Morgan stated if wages were going to be listed the School and Town should do them the same way. C. Hussey suggested the wage report be corrected and placed in the newspaper. K. Anderson recommended it be put on the website with the Town Report. She thought that the person who created the form may feel bad if a press release was done to highlight the errors. P. Sanderson added that the discussion would be in the minutes, which the press reads. If there are any questions, the Town would be contacted.

Don Miller, Post Road: He has seen cities put this information in the paper, but never a town. He didn't understand why it would be put in the paper; Greenland is a small town. C. Hussey responded that it's public information.

The Board was in agreement that the corrected wage report wouldn't be put in the paper, but would be on the website. V. Morgan stated he would like the wage report for the Town and School to be the same. K. Anderson noted that the Town had no control over the School's wage report. V. Morgan suggested that when C. Hussey met with the School Board, the wage report could also be discussed. V. Morgan added that it didn't make sense for the Town and School to be reporting the wages differently. P. Sanderson stated that under the Right-to-Know Law gross wages prior to deductions could be requested.

The rules and regulations for the Transfer Station are listed on the inside back cover of the Town Report. V. Morgan noted that page should be updated.

9. Other New Business

Library Bond: M. Morgan stated she received a petition with 12 signatures requesting a recount; she has certified they are all registered voters. She will be noticing all people who signed the petition plus the Library Trustees. The recount is scheduled for Monday, March 26, 2018, at 6:00 p.m., in the Town Hall Conference Room, which is the last day the recount can be done. The recount will be done by the Town

Clerk, Moderator and Board of Selectmen. There are 761 ballots to be counted. Observers can be present but not near where the counting is done. M. Morgan reviewed the recount process recommended by the Secretary of State.

P. Sanderson reviewed steps to be taken regarding the Library Bond. Real estate titles to the Library building and its property must be determined. There are some issues with the possibility of a reverter, which could be a problem when dealing with a bond, and recommended the information available. Once the title is done, an opinion will be needed from the Bond Council if the title is sufficient. The basic information consists of the deed for the Library land (Clough estate, not Weeks family); there is a reverter back to the Clough family. The building (Carolyn Weeks) has a different reverter.

C. Hussey asked if there were any other problems that may hold up the Library from moving ahead; he didn't want them going around in circles. P. Sanderson stated that the first thing to be done would be the title; a plan for the structure would need to be created; subsurface work would need to be done regarding the septic system. M. McLaughlin asked if septic was the Town's responsibility or the purview of the architect. P. Sanderson responded to his knowledge, the septic plans had not been done. The Board of Selectmen would work with the Library Trustees. K. Anderson noted the architect's contract had ended and the Library Trustees were going to bid for the actual architect. C. Hussey stated the Library could use their funds (\$650,000) to get most of those issues done. M. McLaughlin stated her husband, Craig, is the Chairman of the Building Committee and is conversant in this type of thing.

They have met with the Town Administrator and will be meeting with the Trustees of the Trust Funds to discuss transferring some of the funds from the Library CRF to a liquid asset to pay for what needs to be done before bonding. They also want to discuss how to secure the remaining funds so they are not so volatile. P. Sanderson noted that the warrant article required a specific amount to be raised; there needed to be a special mechanism where those donations were placed. He stated they didn't want it placed with the Friends of the Library. M. McLaughlin stated the Library had all the money they needed. K. Anderson has started researching bonds. P. Sanderson stated they were a length of time away from a bond and steps needed to be done in the meantime. K. Anderson added it takes three to four months for a bond process.

C. Hussey noted an issue with the Church. M. McLaughlin stated that the Trustees felt it didn't make sense to move forward until the article passed. There has been a draft of a Memorandum of Understanding written. P. Sanderson reminded her that the Board of Selectmen would have to sign the MOU; the Library Trustees didn't have the authority to deal with plans. V. Morgan asked if there were any problems with abutters. M. McLaughlin responded they plan to meet with the abutter, and have tried to assuage her concerns about what the Library building will do to her property value.

Grant: The Portsmouth Garden Club is doing grants from their Festival of Trees fund raiser. P. Sanderson suggested the Town apply for a grant to plant some annuals along the Town Office walkway.

Pickle Ball: There has been a request to line the tennis courts at Caswell Drive for Pickle Ball. K. Anderson was aware of the request; the ground needs to warm up before the lines can be painted.

Town Report: J. Rolston had several people comment to him that the Town Report cover was outstanding this year.

Liaison Responsibilities: V. Morgan distributed a draft of liaison responsibilities for review by the Board; it will be discussed at a later meeting.

Hydrants: C. Hussey would like Paul Hayden and Chief Cresta to attend a meeting to discuss taking care of the hydrants. He suggested that P. Hayden and the firemen do the snow removal rather than Jim Jones. K. Anderson suggested that C. Deorocki keep that in mind when redoing the snow plow contract.

IV. ACCOUNTS PAYABLE – THURSDAY, MARCH 22, 2018

1. Payroll Manifest 06

MOTION: P. Sanderson moved to approve Payroll Manifest 06 in the amount of \$49,395.88. Second – J. Rolston; all in favor. MOTION CARRIED

2. General Fund Manifest 06

MOTION: P. Sanderson moved to approve General Fund Manifest 06 in the amount of \$105,787.60. Second – C. Deorocki; all in favor. MOTION CARRIED

Two police officers were recently hired. Financial update: \$361,000 of \$420,000 has been spent in snow plowing for 2018; \$61,000 of \$75,000 for salt.

V. NON-PUBLIC SESSION

MOTION: P. Sanderson moved to enter into non-public session at 8:07 p.m. Second – J. Rolston; all in favor. MOTION CARRIED

The Board returned to public session at 9:00 p.m.

VI. ADJOURNMENT

MOTION: J. Rolston moved to adjourn at 9:00 p.m. Second – C. Hussey; all in favor. MOTION CARRIED

NEXT MEETING

Monday, April 02, 2018 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, April 02, 2018