



**BOARD OF SELECTMEN**  
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**MINUTES OF THE BOARD OF SELECTMEN**

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Monday, April 30, 2018 – 7:00 p.m. – Town Hall Conference Room

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

*Staff:* Karen Anderson – Town Administrator

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Chair Sanderson 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.

**I. APPOINTMENTS**

1. Mark Raque – Town Treasurer

The Selectmen were formally introduced to Mark Raque, Town Treasurer. M. Raque has been a member of the Budget Committee. He gave the Board a very brief summary of his background.

2. Elizabeth Tretter – Police Department Administrative Assistant

The Selectmen were formally introduced to Elizabeth Tretter, Police Department Administrative Assistant.

3. Weeks Library Trustees – Recommendation: Library Expansion Architect

Marcia McLaughlin, Library Trustees Chairperson, addressed the Board. The Library Trustees have selected Lavallee Brensinger Architects as the architects for the Library expansion. Craig McLaughlin, Building Committee Chairperson, reviewed the selection process. M. McLaughlin requested approval of a payment schedule.

C. McLaughlin stated that the architect selection was a critical path for the project; Construction Manager would be discussed at a future meeting. C. McLaughlin did a slide presentation for the Board; a complete packet is on file.

The function of the Building Committee is to give recommendations to the Library Trustees. Members of the Building Committee include: Dale Rockefeller, Dane Peters, Leonard Schwab, Denise Grimse (Library Director), and Craig McLaughlin. Consultants: Brenda Richards, a retired civil engineer (no name given), and Peter Loughlin (Town Attorney).

Lavallee Brensinger was selected from 12 bidders. See complete packet on file for more information. The design has been copyrighted. K. Anderson noted that the Town paid for the design; C. McLaughlin stated that \$29,000 was paid to Lavallee Brensinger to prepare the design, but the Town doesn't have

ownership or the right to use it, which is customary. A new architect could be complicated and set the process back by several months.

Proposed fees and payment schedule from Lavallee Brensinger were reviewed. Payment schedule: Schematic Design – mid-June; Design Development – mid-July; Construction Documents – mid-August (approximately \$210,000 would be spent over the next three months); Bidding Phase – primarily September; Construction Phase – billed monthly. The Town Attorney has reviewed the contract and payment schedule. M. McLaughlin stated that the Library Trustees would need an agreement with the Selectmen to make the payments; a mechanism would be needed to remove money from the Library Capital Reserve Fund. Chair Sanderson responded that the Selectmen are agents to expend those funds. K. Anderson is working with Bond Council; all the documents have gone to Bond Council regarding the deed issue. She has signed an agreement with Devine, Millimet & Branch, PA, they are reviewing the deeds, and have sent a list of documents needed. K. Anderson also received a list of 14 banks they will work with for funding. As soon as the deeding issue is resolved, K. Anderson will send an RFP to the 14 banks. She added it wasn't prudent to wait for the Bond Bank; their rates were the same or slightly higher than the open market. She hasn't received any information on the reversions. Attorney Renelle L'Huillier (Devine, Millimet & Branch) has reviewed the information sent by K. Anderson and referred it to a colleague; Attorney L'Huillier worked with the Town on the bonding for Dearborn Road.

Chair Sanderson's concern about the reversions was discussed. When the land was conveyed, it was with the condition that the land be used forever as a library. If it's not used as a library, title to the land would go back to one family; title to the building would go to another family. It doesn't matter what the intention is today, the bond could have a lengthy term; no one at the meeting would be in charge when the bond was finally paid. Chair Sanderson continued: would a bank loan any money if the title could be lost? M. McLaughlin's concern and argument was that the Weeks Library has been the Town's library for 120 years; it will continue to be the Town's library for the next 120 years. Chair Sanderson responded that no one could promise that. Complicating matters: the land would go back to the Clough family and the building would go to the heirs. M. McLaughlin didn't understand what possible concern an attorney could have that the Library would be abandoned before the bond was paid. C. McLaughlin added that he reviewed documents with the Town Attorney and the issue is being researched. Chair Sanderson stated if the title was lost, the bond would have to be repaid even if there was no building and land. Chair Sanderson continued that before a substantial sum of money was spent, they needed to know if there was a project. K. Anderson couldn't give a timeframe, but stated that Devine, Millimet & Branch is an excellent firm, and they wouldn't drag their feet.

Chair Sanderson recommended delaying the Board's decision until they knew the answer to the underlying question. If it can't be solved, there is no project. C. McLaughlin asked if the Selectmen could execute an agreement that states "the Town would not do" what the concern was. Chair Sanderson responded that he couldn't bind a future Board, future Town Meeting, or future Library Trustees.

C. McLaughlin noted there was a cost for delay. K. Anderson will contact Attorney L'Huillier within a couple of days. Chair Sanderson reiterated that he wasn't trying to delay; he didn't want to commit to thousands of dollars in expenses until the basic underlying problem is known. C. McLaughlin asked if the Selectmen could state "if this problem was resolved to the Town Attorney's satisfaction, then there would be an agreement". Chair Sanderson stated it would be on the agenda until there is an answer. If an answer is received within the next few days, the Selectmen could hold a special meeting. K. Anderson asked if a payment was needed immediately. M. McLaughlin stated that a contract hasn't been signed.

M. McLaughlin asked for clarification on withdrawing the initial funds from the Capital Reserve Fund. K. Anderson stated that a vote from the Library Trustees approving the payment of \$71,250 for Schematic Design would be needed the Thursday prior to a Selectmen's meeting. If the Board approves the payment, they'll sign off at their meeting. V. Morgan encouraged them to schedule payments to coincide with Board meetings. K. Anderson explained the payment process.

There were no concerns from the Board to this point. C. McLaughlin reviewed the next steps in the process which includes executing the contract; the Library Trustees have the authority to take that step. The Construction Manager will be appointed by the Library Trustees. They anticipate returning to the Board the last meeting in May.

Method of contracting: The Construction Manager would be responsible; there is a guaranteed maximum price. The project would be broken down into at least two dozen subcontracts and go out for bid. Bauen will send bids to five companies, hoping to receive three competitive bids. Each phase of the project will be competitively bid. After going through the approval procedure, it will be brought to the Selectmen. Chair Sanderson clarified they are building off known stamped plans rather than design-build. C. McLaughlin agreed, adding the bid process wouldn't be started until a fully approved design is in hand. Plans will be reviewed by the Town's Building Inspector.

There will be an agreement with the School and Church for the use of their property. The School has agreed to the use of 10 parking spaces; no physical change. They've had requests for a sidewalk behind the SAU building to the Library; that has not been decided. They plan to pave around the Church Parish House with porous pavement; Chair Sanderson noted that would require Planning Board review. The Library Trustees will prepare agreements between the Town and School/Church for approval by the Board of Selectmen.

#### 4. Laura Byergo – Willowbrook Avenue Culvert

C. Hussey had spoken to Laura Byergo regarding the last Board meeting when Willowbrook Avenue was discussed and whether any documentation was available about the culvert. L. Byergo had the documentation available for the Board. The Nature Conservancy did a complete survey of all the culverts in Greenland when Great Bay Unlimited was trying to get funding to repair the culvert on Winnicut Road. A priority list of culverts was given to the Selectmen; Willowbrook was included. The culvert is slightly perched; when there's a lot of flow, you can't see that the bottom is perched and rusted out; the culvert failed for all aquatic species movement. In addition, there is a wetlands mapper provided by DES that rates the culvert as failing for aquatic species movement between the 186 acres of wetlands above and Thompson Brook down to the Winnicut River. L. Byergo explained that "perched" means it's up above the natural stream bed. Unless a significant amount of water is flowing, aquatic species aren't going to be able to get back and forth. She also had a letter from the Rockingham Conservation District that supports taking extra steps for this system. The Coastal Hazards Report has been providing recommendations for the Master Plan; it specifically states "improve designs for dams, culverts and bridges to maintain existing function; reconnect fragmented surface waters, wetlands, lakes, ponds, and streams, and protect high quality habitat for aquatic organisms".

L. Byergo also contacted the UNH Stormwater Center. They told her there is an ARM Grant, which is a mitigation grant, specifically for this type of project. A pre-proposal was able to be submitted prior to the deadline. Greenland is far advanced in the process; when it was submitted, L. Byergo was told it looked like a "shovel ready" project, which should give the Town bonus points.

Chair Sanderson explained that Willowbrook Avenue is the number two worst road in Town. It has been engineered through Underwood Engineering; they recommended replacing the 3' culvert with a 4' culvert. The Conservation Commission recommended a box culvert, with a price difference of approximately \$150,000. The possibility of an ARM Grant will change things; the box culvert will probably be a better long term design. K. Anderson added that the box culvert is \$105,000; the Town's cost to be incurred whether a regular or box culvert is \$39,000 and includes the guard rails, paving, etc. The ARM grant request is \$79,000.

Chair Sanderson updated those present that Underwood Engineers submitted a joint permit request for Great Bay Drive West and Willowbrook Avenue. It's currently pending because they are two of the most complicated areas from an engineering point of view due to the proximity to the Bay and issues on Willowbrook. It's fully engineered and a contractor has been selected; the Town is awaiting the permit. K. Anderson added the tree work has started on Willowbrook.

Chair Sanderson thanked L. Byergo for her efforts with the ARM Grant. K. Anderson told the Board that an email confirmation has been received that the pre-proposal has been accepted. The Town will know during the week of May 14, 2018, if the pre-proposal moves forward to the next round.

Chair Sanderson noted that on Tuesday, May 01, 2018, there will be a work session with the residents of Great Bay Drive West to try and resolve some of the ongoing issues.

## II. APPROVAL OF MINUTES

### 1. Monday, April 16, 2018

MOTION: V. Morgan moved to approve the minutes of Monday, April 16, 2018. Second – C. Deorocki; all in favor. MOTION CARRIED

### 2. Friday, April 20, 2018

J. Rolston noted that "imminent domain" should be "eminent domain".

MOTION: V. Morgan moved to approve the minutes of Friday, April 20, 2018, as amended. Second – C. Deorocki; all in favor. MOTION CARRIED

## III. OLD BUSINESS

### 1. Coakley Update

K. Anderson reported that Jillian Lane had a very successful trip to Washington, DC. The EPA representative she spoke, Albert Kelly, is going to look at the Coakley site in May. K. Anderson will be meeting with the City of Portsmouth and Underwood Engineers on the preliminary design review on Thursday, May 10, 2018 (updated: the meeting has been rescheduled to Wednesday, June 06, 2018).

Chair Sanderson stated that the fish sampling program has not been approved by the EPA. There are some issues to be resolved. That program will be used as a model in another part of the State.

## 2. Pole License

This is the first step in amending the existing Pole Licenses are that in place for NE Telephone dba Fairpoint Communications and Eversource. The current licenses don't mention taxation or the conduit. The amendment will include a reference to the statute that has been adopted. A public hearing will need to be held after notifying the utilities; the legal ad has been in the paper. Chair Sanderson clarified both underground and aerial pole licenses were being amended. He stated that the newspaper ad would notify all potential attachers. Notices were sent to Eversource, Public Service and Fairpoint asking for their attachers; K. Anderson has the list. Chair Sanderson requested the attachers be notified through regular mail.

MOTION: V. Morgan moved to hold a public hearing on Monday, May 14, 2018, to hear comments from utilities with regard to amending the existing Pole Licenses to conform with RSA 72:23, I(b). Second – J. Rolston; all in favor. MOTION CARRIED

## 3. Other Old Business

K. Anderson went on record for the emergency measures that were taken on Great Bay Drive West. There was a special meeting on Friday, April 20, 2018. It was important for the public to know what was done after learning about the dangerous situation, and that potentially a fire truck couldn't get through.

- The culvert was replaced and backfilled on Monday 04.23.2018; the road was closed to all traffic from 9 a.m. to 3 p.m.; residents were notified
- The road is as wide as allowed: 16'
- The road is safe but has not been paved; there is a gravel surface that will have a base coat and be shim coated 900' after the plants open on May 01, 2018; P. Hayden will let the Board know when paving will be done
- Erosion control is in place
- Update--Thursday 04.26.2018 from Paul Hayden: the road showed no damage from the storm

A bid will need to be sent out for Portsmouth Avenue and Anne's Lane. A letter has been sent to the developer of Van Etten Drive; K. Anderson was assured that concerns would be taken care of immediately. The hole in the road at Portsmouth Avenue and Newington Road will need to be cut out; it won't hold a patch. P. Hayden will contact the City of Portsmouth.

## IV. NEW BUSINESS AND ADMINISTRATIVE

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

Affinity Lighting went through the Town Offices, Fire Station and Police Station surveying the fluorescent lighting to determine the costs and benefits of changing the fixtures to LED lighting; they've also received copies of the electric bills. K. Anderson will receive the conversion costs when their report is completed as well as how much Eversource can provide as a grant.

FEMA: K. Anderson has submitted the Town's cost associated with the Blizzard on March 13, 2018, which is \$50,622.91. Rockingham County hasn't been approved by FEMA at this time. If approved, 80% will be reimbursed. There was \$420,000 budgeted for snow removal; current expenditures are just over \$433,000. The salt budget was \$108,000; \$60,000 remains in that account. Approximately \$35,000 is left for November and December snow removal and salt. Summer maintenance is a separate line item.

P. Hayden reported that in the last two weeks, he's spent approximately 80% of his time cleaning up debris from the winter storms. There is still much remaining to be done because of roadside trees.

EMS Warm Zone Grant: The grant was applied for in December 2017 through the Department of Safety for the Fire Department. The department was awarded the \$6,000 grant for the purchase of specific ballistic vests/helmets for EMS personnel during a dangerous situation. The equipment has been ordered; upon receipt, the Town will submit for reimbursement up to \$6,000.

Town Vehicle: The 2013 Taurus was hit by a firefighter backing out of a parking space in the Town Office parking lot; the car was in a legal parking space. There was damage to the left front light and body. The firefighter's insurance company will be notified; the repair quote was \$3,400.

## 2. Final 2017-2018 School Payment

The amount due to the School Department for year-end (June) is \$2,205,184. There are sufficient funds available. This item was informational only. The first half tax warrant will be signed at the next meeting.

## 3. Timber Tax Warrants

Two Timber Tax Warrants were received: William Goodison, Bluebird Storage, for timber cleared (40 tons) at 125 Ocean Road. Yield Tax on timber cut: \$309.42; and Thurken Development, Tractor Supply site, for timber cleared (253 tons) at March Farm Way. Yield tax on timber cut: \$1,065.54 and includes a late filing doomage penalty.

MOTION: V. Morgan moved to approve the Timber Tax Warrant for Thurken Development in the amount of \$1,065.54, and William Goodison, Bluebird Storage, in the amount of \$309.42. Second – J. Rolston; all in favor. MOTION CARRIED

## 4. Veterans Credit

The resident at 10 Rolston Avenue (Map U1, 9) has applied for the 2019 Veterans Tax Credit in the amount of \$500. He is qualified based on years served and NH residency.

MOTION: V. Morgan moved to approve the 2019 Veterans Tax Credit in the amount of \$500 for the resident at 10 Rolston Avenue. Second – J. Rolston; all in favor. MOTION CARRIED

## 5. Abatement

A prorated assessment was received for damaged buildings at 437 Portsmouth Avenue due to the fire. The abatement is in the amount of \$927.53. The tax year ended March 31, 2018; there was 35 days of no value or no use of the property.

MOTION: V. Morgan moved to approve the Abatement of Assessment to Damaged Buildings to ABC Portsmouth Ave LLC, Map U4 25A, 437 Portsmouth Avenue, in the amount of \$927.53. Second – C. Hussey; all in favor. MOTION CARRIED

## 6. Other New Business

There were no items to discuss.

V. ACCOUNTS PAYABLE – THURSDAY, MAY 03, 2018

1. Payroll Manifest 09

MOTION: J. Rolston moved to approve Payroll Manifest 09 in the amount of \$53,699.85. Second – C. Deorocki; all in favor. MOTION CARRIED

2. General Fund Manifest 09

MOTION: J. Rolston moved to approve General Fund Manifest 09 in the amount of \$262,104.25 (School - \$160,000). Second – V. Morgan; all in favor. MOTION CARRIED

VI. ADJOURNMENT

MOTION: C. Hussey moved to adjourn at 8:05 p.m. Second – V. Morgan; all in favor. MOTION CARRIED

NEXT MEETING

Monday, May 14, 2018 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, May 14, 2018