



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, April 06, 2015 – 7:00 p.m. – Town Hall Conference Room

Members Present: Vaughan Morgan, Kevin Forrest, John McDevitt, John Penacho, Jim Rolston

Staff: Karen Anderson – Town Administrator

Also Present: Tara Laurent – Police Chief, Ralph Cresta – Fire Chief, Tim Collins – Emergency Management Director

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.

I. PUBLIC HEARING – RSA 231:133-a

1. E-911 Changes: New Road Names and Numbers

Chair Morgan opened the public hearing at 7:01 p.m. E-911 changes for this phase will be effective August 01, 2015.

There was discussion regarding Steve Gerrato's driveway at 508-512 Post Road. S. Gerrato showed the Board pictures of what has been done to delineate his driveway. A white line has been put down the center; he intends to place granite blocks flush with the grade down the center. S. Gerrato stated that his driveway, compared to all the other 20' driveways, is the safest in Greenland for emergency responders. Chief Cresta will check to make sure the 20' swing can be made safely prior to final approval, but didn't see any problems. T. Collins added that the houses must have large numbers on them and be well marked.

Chief Laurent's concern was that being flush with grade, there would not be any visual delineation between driveway one and driveway two. Differentiating driveways for mutual aid responders would be important. New signs have been placed at the end of each driveway, clearly marking them. Chief Laurent stated that the minimum amount of differentiation she'd like to see would be some type of visual delineation. There needs to be a 6"x 2'x20' divider, located 10' back from the road to show the delineation and allow turning radius. S. Gerrato agreed to add whatever Chief Laurent requested, but would not rename their driveway. Chief Laurent reiterated that the divider must be in place by August 01, 2015. Concerned about setting a precedent, J. Penacho stated that all criteria had to be met for any deviations from the E-911 suggestions.

MOTION: K. Forrest moved to approve the renaming of 231 to 241 Post Road to Haines Brook Farm Lane. Second – J. Rolston; all in favor. **MOTION CARRIED**

MOTION: J. McDevitt moved approve the renaming of 393, 395 and 407 Great Bay Road to Blue Heron Way. Second – K. Forrest; all in favor. **MOTION CARRIED**

MOTION: J. Rolston moved to approve the renaming of 461 to 485 Post Road to Robin Lane. Second – K. Forrest; all in favor. **MOTION CARRIED**

The first public hearing for the Phase IV E-911 changes will be held on Monday, May 18, 2015. There being no further discussion, Chair Morgan closed the public hearing at 7:18 p.m.

II. ADMINISTRATIVE AND OTHER ITEMS

1. 2014-2015 Snowplowing: Jim Jones

The Town Administrator told the Board that when residents call or come in with concerns about snow plow damage, she explains the statute regarding liability; unless damage was caused by negligence, neither the Town nor the contractor was liable. The contractor was invited to the meeting to review a few issues that have not been resolved. She reviewed the bills received for damages, and requested direction from the Board and J. Jones. The Town Administrator added that the Town has never been billed for hydrant damage in the past.

- Hydrants: Three hydrants are in question – near 25 Portsmouth Avenue, McShane Avenue, and at the end of Portsmouth Avenue by the Sunoco Station. The hydrant located by Sunoco was hit by J. Jones' snow removal contractors; there was a 10' snow drift. J. Jones notified the City of Portsmouth, and it was repaired within one to two days. A week later it was hit again by the City of Portsmouth. J. Jones' snow removal contractors noticed that the hydrant located near 25 Portsmouth Avenue had been knocked over when they were shoveling out hydrants. A resident told them that hydrant was hit by a car. J. Jones also called the hydrant in at the bottom of Hillside; that had been hit by a car or State plow. The only hydrant that J. Jones' snow removal contractors hit was at the end of Portsmouth Avenue by the Sunoco Station. J. Jones didn't feel it was his responsibility to pay for the repairs to the hydrant by the Sunoco Station; there was no marker. T. Collins added that markers were not on most hydrants. The Town pays a maintenance fee per hydrant and he felt it should be the City of Portsmouth's responsibility. J. Jones and T. Collins agreed that it was the City's responsibility to mark hydrants. J. Penacho agreed that the Town pays a hydrant maintenance fee and should be covered. They need to let towns know ahead of time who is responsible for maintenance. T. Collins noted that there are some hydrants in Town that are so low to the ground they are almost unusable to the Fire Department. Chief Cresta suggested they meet with the City of Portsmouth to review the maintenance agreement. The Town is responsible for shoveling out hydrants, which J. Jones does. J. McDevitt requested that Chief Cresta outline his concerns for the Board of Selectmen. The Town Administrator will look for a hydrant agreement with the City of Portsmouth and request a copy from the City if there is not one on file. J. McDevitt asked J. Jones to put in writing that tracks to the hydrant on Hillside indicate it was hit by a car. The Board of Selectmen was in agreement they were not in favor of paying the hydrant bill from the City of Portsmouth.
- Unutil: Unutil services Charles Drive, which is shared with Stratham. Greenland and Stratham alternate plowing years; the fall season, in an even year, is Greenland's responsibility. J. Jones told the Board that there was 5' of snow covering an unmarked transformer box and his snow removal contractors didn't see it. T. Collins pointed out that the transformer box is in the Town right-of-way. Chair Morgan suggested that discussion needed to take place between the Town and Unutil about marking their boxes. The Board was in agreement that Unutil be informed that their

equipment was in the Town right-of-way, reference the RSA regarding mailboxes and not pay the bill.

- 52 Bayside Road: The homeowner witnessed the fence being hit by a loader. The Property Maintenance Supervisor also looked at the damage and agreed it was done by a loader. The fence was several years old and not in good condition. The homeowner submitted a bill for the replacement of five cedar posts, and requested the Town split the cost of \$925. Mrs. Carolan told the Board that much of the damage was done by the loader moving snow. Several members of the Board were in agreement that the fence replacement was not the responsibility of the Town. J. McDevitt disagreed, stating that there should be a review of where snow should be dropped when it's pushed back; it should not be done on private property. The Board needed to be cognizant of the rights of private property owners and damaging that property; K. Forrest was in agreement. Chair Morgan, while in agreement with J. McDevitt and K. Forrest, did not hold the Town responsible. J. Jones will follow up with the homeowner.
- Barrett Farm Drive: The homeowner is claiming that there was damage to his fence during snow removal; snow was dumped on his lot behind the fence. J. Jones indicated that fence may be in the Town right-of-way. Chair Morgan asked the Town Administrator to determine if the fence was in the right-of-way. This will be continued to the next meeting.
- Falls Way: A damaged mailbox; the homeowner has not been contacted as the email was received just prior to the meeting.

There was a discussion about dumping snow on private property. One possibility was that it may have to be trucked off site. The Town Administrator told the Board that bids are out for snowplowing. Debbie Beck stated that J. Jones did a good job. J. Penacho added that they did an excellent job this year; his only concern was the damage from the front end loader dumping the snow.

The Town Administrator recently met with FEMA regarding the blizzard on January 27 and 28, 2015. The Town will recoup 75% of a 48 hour period (\$54,000). The Town Administrator reminded J. Jones that trucks would need to be removed from the Town Hall property.

2. Appointment of Deputy Treasurer: Tina Miles

Continued to a future meeting (see Other Business).

3. Current Use Value – 339 Bayside Road: Debbie Beck

D. Beck told the Board she paid an equalization fee on the lot her brother subdivided out. She didn't want to pay the current use fee because she was not planning to do anything with the lot. The Town Administrator explained the current use law to the Board. The Town Administrator has established the current use value because there was a purchase and sale agreement for the lot for \$160,000 on the open market. The Board approved the current use assessment of \$16,000 (10% of fair market value). That sale was cancelled after current use was established; there was a warrant to revoke the current use because it remained in the same ownership. On March 26, 2015, the Town Administrator received a copy of the deed from the Registry of Deeds, deeding the 60,000 sq. ft. from the Franklin Beck Revocable Trust to Deborah A. Beck. Because there are two different names and no longer 10 contiguous acres of "like" named property, the current use penalty is invoked.

D. Beck stated that eventually the entire piece of property will be deeded to her. The Town Administrator asked if it would happen within 18 months, and D. Beck couldn't make that guarantee. The Town Administrator continued that the Town has 18 months to bill the current use penalty, and suggested holding the bill for 17 months. If the entire property is not deeded in her name, the parcel is

subject to a current use penalty under State law. If the lot is sold at any time, current use will be invoked. The parcel will be taxed at fair market value because it does not qualify for the reduced taxation.

The Town Administrator told the Board they could amend the current use and warrant changing the date of the bill to September 06, 2016 or they could abate it in its entirety. They could also do nothing. J. Penacho felt the date of the bill could be changed, but comply with the law.

MOTION: *J. Penacho moved to change the bill date of the current use fee for 339 Bayside Road to September 06, 2016; no interest will accrue. Second – J. Rolston; all in favor. MOTION CARRIED*

4. Weeks Library: NH State Register of Historic Places

A request was received from the Library Trustees to add the Weeks Public Library building on the New Hampshire Division of Historic Resources. The Town must sign the application; the Library Trustees cannot own land. Mark Willis, Library Trustee, explained the benefits and concerns with listing the building on the NH Division of Historical Resources.

MOTION: *K. Forrest moved to approve the inclusion of the building at 36 Post Road, Weeks Public Library, in the NH Division of Historic Resources. Second – J. McDevitt*

DISCUSSION: Weeks Public Library, for NH State Register of Historic Place purposes, refers to the building itself, not the institution. It will not preclude any expansion of the Library. The Library Trustees have approved the application.

MOTION: *K. Forrest moved to approve the inclusion of the building at 36 Post Road, Weeks Public Library, in the NH Division of Historic Resources. Second – J. McDevitt; all in favor. MOTION CARRIED*

5. Meeting with Stratham Board of Selectmen: Fire Service

The Board of Selectmen has been invited to meet with the Stratham Board of Selectmen to discuss working jointly with their fire department on mutual aid calls. Chief Cresta explained that the Stratham Selectmen have gone to daytime coverage similar to Greenland. He has spoken to the Stratham Fire Chief; they felt both towns could work together on mutual aid calls using the Mutual Aid Agreement.

Chief Cresta felt it would be worthwhile meeting with the Stratham Board of Selectmen. However, both chiefs should also be involved. The Selectmen's representative to the Fire Department, the Chief and Town Administrator will meet with the Stratham Board of Selectmen. J. Penacho noted that if all of the Stratham Selectmen attended the meeting, it would be a public meeting rather than a discussion. He felt it would be appropriate for representatives to meet to start the discussions. If the Stratham Police Chief is involved in the meetings, the Greenland Police Chief will be invited to participate. The Town Administrator will contact the Stratham Town Administrative for details.

6. Proposed Date - Joint Work Session with Planning Board: TIF District and CIP

The scheduled date will be Monday, June 01, 2015, during the Selectmen's meeting. M. Fougere, Planning Board Consultant, will make the presentation. J. McDevitt briefly explained his vision of the CIP process this year.

7. Conservation Commission Representative to Southeast Watershed Alliance

For the past few years, Mo Sodini was the Selectmen's rep to the Southeast Watershed Alliance. The Selectmen suggested that a member of the Conservation Commission be the representative this year. The Conservation Commission is willing to send a representative; however, they requested permission to act on behalf of the Town within specific parameters.

The Town Administrator has attended meetings of the Southeast Watershed Alliance. There are no votes or decisions made, but rather fact-gathering on stormwater and regional outfall on sewer. J. McDevitt stated the Conservation Commission had no authority to obligate the Town to anything on that committee. The Town Administrator clarified that this is a commission organized by the State; the State solicits input from the various towns that are represented.

The Conservation Commission will need to recommend a member to the Selectmen, who in turn will appoint them as the Town's representative to the Southeast Watershed Alliance.

8. Road Bond Approval: 239 Bayside Road

Altus Engineering has approved the road bond for the subdivision at 239 Bayside Road at \$121,331. The bond must be in place prior to construction. The road will be named at the next Board of Selectmen meeting.

MOTION: K. Forrest moved to approve the road bond for the subdivision at 239 Bayside Road in the amount of \$121,331. Second – J. Penacho; four in favor, one abstain (J. McDevitt, abutter).

9. Resident Complaint: 4 Brown Avenue

The Town Administrator explained that the property has not been maintained. Complaints go back at least three years. There is currently a building permit issued and a dumpster is on the property. Chair Morgan added that the property is in deplorable condition. There appears to be no infestation and no children live at the residence. The pool is empty and has a cover on it; there is no fence around the pool. Chair Morgan requested that the Building Inspector contact the Town Attorney for the next step. The homeowner will be notified that the Town is looking into legal action. The Board would like the Health Officer to look at the property. They would also like the pool area looked at for compliance.

10. Approval of Minutes: Monday, April 06, 2015

MOTION: J. Penacho moved to approve the minutes of Monday, April 06, 2015, as amended. Second – K. Forrest; all in favor. **MOTION CARRIED**

11. Other Business

- Library Trustees Meeting: J. Rolston reported that the Library Trustees plan to discuss expansion of the Library at its current location or moving to another location. He also advised them they should plan to have a representative at the CIP meetings.
- Sea-3: The Town Administrator received a letter from the attorney representing the State asking if the Town wanted to have a voice in whether a site evaluation of the Sea-3 site in Newington should be required. The hearing will be held on Thursday, May 07 at 6:00 p.m. to take comments regarding the site evaluation. J. Penacho stated that the site is in Newington and is not the real issue. The Town's concern was with transportation; J. Rolston agreed. K. Forrest stated that our

interest to the State endorsed the safety assessment from a transportation aspect and not a specific site aspect. The site evaluation is a normal requirement; Sea-3 has requested a waiver of the requirement based on their safety record over a number of years. The City of Portsmouth has appealed that request for a waiver. No action was taken by the Board.

- Deputy Treasurer: Tina Miles will be invited to attend the meeting on Monday, May 04, 2015. J. McDevitt would like to meet anyone being appointed by the Board of Selectmen. J. Rolston was concerned about the Treasurer going on vacation and no Deputy Treasurer being appointed. The Town Administrator will check with the Treasurer for her upcoming vacation dates. The Treasurer does have the authority to delegate depository authority.
- Personnel Policy: Rather than review at a regular meeting, a work session will be scheduled.
- IT Policy: There was a brief discussion regarding the IT Policy. The Board would like Doug Poulin, the Town's IT specialist, to review the policy. It will be an agenda item for Monday, May 04, 2015.

12. Review of Performance Plans

K. Forrest explained the process he used for the Town Administrator's performance plan. Everyone should try to use a similar template and format. The Town Administrator will email the form.

III. ACCOUNTS PAYABLE – THURSDAY, APRIL 23, 2015

1. Payroll Manifest 08

MOTION: J. Rolston moved to approve Payroll Manifest 08 in the amount of \$36,576.09. Second – J. McDevitt; all in favor. **MOTION CARRIED**

2. General Fund Manifest 08

MOTION: J. Rolston moved to approve General Fund Manifest 08 in the amount of \$165,245.73 (School - \$130,000). Second – K. Forrest; all in favor. **MOTION CARRIED**

3. Medical Deductible Expendable Trust Manifest 08

MOTION: J. Rolston moved to approve Medical Deductible Expendable Trust Manifest 08 in the amount of \$1,422.62. Second – K. Forrest; all in favor. **MOTION CARRIED**

IV. ADJOURNMENT

MOTION: J. Penacho moved to adjourn at 9:15 p.m. Second – J. McDevitt; all in favor. **MOTION CARRIED**

NEXT MEETING

Monday, May 04, 2015 – Town Hall Conference Room, 7:00 p.m.

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, May 04, 2015