



BOARD OF SELECTMEN
Town of Greenland • Greenland, NH 03840
11 Town Square • PO Box 100
Phone: 603.431.7111 • Fax: 603.430.3761
Website: greenland-nh.com

MINUTES OF THE BOARD OF SELECTMEN

Monday, November 14, 2016 – 7:00 p.m. – Town Hall Conference Room

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

Staff: Karen Anderson – Town Administrator, Paul Hayden – Property Maintenance Supervisor/Road Agent

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. APPOINTMENT

1. 499 Portsmouth Avenue – Mark Sorenson, Property Owner: Fence Location

Chair Morgan welcomed the Sorenson's to Town. P. Sanderson commented that these types of things happen and the fence would be on Town property with the Board of Selectmen's permission. If something were to happen to the fence, the Town would not be held liable. If they replaced the fence, it must be put in the correct location. The Property Maintenance Supervisor stated he had enough room for the snow blower. J. McDevitt added that if the fence were damaged during snow removal, the Town would not be liable; M. Sorenson agreed that any damage would be repaired at their expense. P. Sanderson clarified that if the house is sold, the agreement between the Sorenson's and the Board of Selectmen would carry over to the new owners.

MOTION: K. Forrest moved to allow the fence at 499 Portsmouth Avenue to remain on Town property, subject to the agreement signed this date between the property owner and Board of Selectmen. The Town Administrator is authorized to execute the agreement. Second – J. Rolston; all in favor. **MOTION CARRIED**

II. APPROVAL OF MINUTES

1. Monday, October 31, 2016

MOTION: J. McDevitt moved to approve the minutes of Monday, October 31, 2016 as written. Second – K. Forrest; all in favor. **MOTION CARRIED**

III. OLD BUSINESS

1. Veteran's Memorial – Remembrance Park: Approval of Names to be Added

Two requests were received for names to be included on the Veterans Memorial in Remembrance Park. DD214's for Andrew Marc Poulin and Mike John Toth were included in the Board packets for review. Chair Morgan voiced his concern for including the DD214's due to the information on that form; he asked that in the future some information be blacked out. K. Forrest added that names should be verified before the inscription is done on the monument. The Property Maintenance Supervisor will verify the cost with Stratham Hill Stone.

MOTION: K. Forrest moved to approve the addition of Andrew Marc Poulin and Mike John Toth to the Veterans Memorial at Remembrance Park. The names will be added on or near Memorial Day. Second – J. Rolston; all in favor. MOTION CARRIED

2. Coakley Update

Chair Morgan and the Building Inspector went on the Coakley site walk on Thursday, November 03, 2016. Chair Morgan updated the Board on the walk. As of this date, all drinking wells in the area are safe. The landfill is being monitored on a regular basis. He assured residents that the Board of Selectmen will keep abreast of the situation.

The Town Administrator updated the Board on the recent meeting of the Governor's Task Force. A report will be finalized and given to the Governor this week. The main recommendation was that public water lines be extended, as soon as possible, to areas where emergent contaminants have been detected. They should be prepared to extend the water line within the entire groundwater management zone at a later date. With the Board's permission, the Town Administrator will include the letter written by Chair Morgan in the report that will be submitted to the Governor.

The Town Administrator has spoken to the EPA and DES representatives recently. Tests were done on residential wells; the results should be available shortly. Testing included some groundwater from Berry Brook; however, not enough water flow was available to do a solid test. Asked about testing local wells, both EPA and DES recommended not moving forward with that at this time due to the amount of testing currently being done. They were concerned that if contaminants were found away from the site, it may confuse their results and cause added concerns. Additional tests will be done in February and August. They are confident their tests are sufficient.

Residents that signed up to have their wells tested were told not everyone would be done and the area would be mapped. However, that was before the Town knew if the State or EPA would be doing testing for PFOA, PFOS, and expand the 1,4-Dioxaine testing. Residents will be notified that the additional testing is on hold and provided information should they want to do their own testing.

Chair Morgan commented there was no mention of the water line being extended through Breakfast Hill or any new developments. There will be a water line into the new residential area from behind the Bethany Church, into the subdivision and stubbed at Breakfast Hill Road. Chair Morgan assured residents that the Board of Selectmen would make sure their concerns are addressed. The Town Administrator added it would be appropriate for the Board of Selectmen to send a letter to the Coakley Group officially requesting that public water be provided to residential areas within the groundwater management zone. The Board unanimously agreed.

P. Sanderson stated that the Town owns 50 acres of land behind the Bethany Church on Breakfast Hill Road, which is essentially a brownfield site. He continued that the Planning Board would be reviewing the plans for the Seavey Way development at their meeting this week. A pipe will be installed underground by the Rye Water District at the Bethany Church, underneath the access road for the Town to the 50 acre parcel, into the subdivision and through a road which may become public. The developer is being asked to pay \$200,000 to the Coakley Landfill Group, which is an environmental wrong-doer. As a result of their operation of the landfill, there is a plume of poison underneath. The Town's 50 acres is located in the groundwater management zone, and is completely unusable without water. There is no provision in that agreement to extend public water to that parcel. In addition, the prospective homeowners will be paying a portion of the cost when purchasing their home.

P. Sanderson continued that the Planning Board originally wanted a conservation subdivision rather than a conventional subdivision because there would be less public road and more open space. The Town is getting less conservation and more public road due to the design being done prior to the public water availability. This development was not the type of design that would have been approved if there had been public water from the start. He felt it was a "terrible" deal. Water will be stubbed to Breakfast Hill Road, which is the edge of the groundwater management zone. Until the wells in the nearby neighborhoods become contaminated, the line would have to be extended at their expense. The Town could be forced by warrant article to extend the water lines. There was nothing in the agreement that stated the Coakley Group would guarantee there would be enough water from the Rye Water District to serve more than the Seavey Way development. It was P. Sanderson's opinion that the agreement was incomplete at best and a really bad agreement at worst.

J. McDevitt agreed with P. Sanderson's statements regarding the 50 acres. The Planning Board agreed and approved the Seavey Way development. He suggested that P. Sanderson attend the Planning Board meeting this week as a citizen. J. McDevitt agreed that the Selectmen needed to give the Planning Board their opinion, but in the end it would be the Planning Board's decision what happens to the development. The Selectmen needed to engage themselves separately from the Planning Board to start discussions with the Coakley Group. P. Sanderson agreed that the Planning Board's jurisdiction was the subdivision; the remainder would be a Selectmen issue.

Chair Morgan stated that it wasn't too late to correct any wrong that may have been done. He would like to have a water line up Breakfast Hill to supply residents in that area, and his letter included in the packet to the Governor as quickly as possible. The Board agreed that the letter should be sent to the Coakley Group requesting public water be provided to all residents in the groundwater management zone. Chair Morgan added that Greenland didn't use the landfill; however, the Town is suffering. The Town Administrator stated that the current Legislative Council has committed to pushing funding for public water whether it comes from the Clean Water Act or the Coakley Group.

J. McDevitt suggested that even though the cancer cluster is a serious issue that needs to be addressed, the Town needed to separate itself from that and pursue the issue of the landfill as a separate, critical issue that needed to be addressed. J. McDevitt suggested that the Board of Selectmen form a subgroup to address the concerns. He further suggested that they meet with the Planning Board Consultant on Thursday afternoon prior to the hearing on the Seavey Way subdivision. The Planning Board Consultant could bring their concerns to the Planning Board at their meeting that evening. P. Sanderson and J. McDevitt will meet with the Planner at 4:00 p.m. on Thursday.

The Board was in agreement to keep this issue on the forefront. The Town Administrator added that test results don't force the Coakley Group to do anything; none of the wells have tested above the EPA's safe standards. The emphasis she has been making when attending the Coakley meetings is not to wait;

the engineering, financing and funding will take a year. P. Sanderson added that the City of Portsmouth has already bonded for this; the Coakley Group is included on their consolidated financial statement.

3. Department of Labor Safety Inspection

The safety inspection report has been submitted to the Department of Labor. Pictures of all work were taken. The Town Administrator is waiting for a response from the Department of Labor. The only outstanding issue is the stair lift in the Police Station; the second floor is currently closed until the stair lift is in compliance. This was noted in the report to the Department of Labor.

4. Other Old Business

- Trees at Remembrance Park: As requested by Wally Berg, a couple of trees have been dug up to be replanted. The Property Maintenance Supervisor stated the trees would be replanted on Tuesday morning, November 15.
- The cost of the full size containers for metal at the Transfer Station was not available.
- Lights at Remembrance Park: The Property Maintenance Supervisor has not been able to do the lights.
- Rolston Park: The Town Administrator has spoken to the engineers about the culvert at Rolston Park and stopped the project. The engineers apologized for not recognizing the culvert was on State property; they were going to contact DES.
- DOT: The Town Administrator received a call from DOT, and will be meeting with them this week regarding a driveway permit for Mr. Parker's property on Post Road; Mr. Parker will be present and the Road Agent was copied. DOT requested the meeting before granting or denying the permit.
- Chair Morgan reminded the Town Administrator, Road Agent, Fire Chief and Police Chief that they needed to arrange a meeting to discuss Standard Operating Procedures regarding the Chain of Command for snow removal. The Board would like to review the SOP when completed.
- Chair Morgan suggested that all Board members have a copy of "Knowing the Territory".
- P. Sanderson is the liaison with the Budget Committee. Chair Morgan encouraged the Selectmen to attend as many budget meetings as possible.

IV. NEW BUSINESS AND ADMINISTRATIVE

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

- DOT Speed Study: A recommendation was made by the Building Inspector for a possible realignment of Post Road/Rt. 151 at the intersection of Portsmouth Avenue; this was discussed at the Board of Selectmen meeting on August 22, 2016. The Board took it under advisement and told the Building Inspector he could contact DOT. A traffic study will be done on Post Road between the bandstand and gazebo.
- Town Car: The trip odometer in the car used by the Building Inspector doesn't work. There is also a problem when putting the car into park. Chief Laurent is working on those issues.
- Website: The Town Administrator updated the Board on the website, which is scheduled to go live shortly.

2. Comcast Franchise Agreement Renewal

The Comcast agreement will expire in April 2017. The Town Administrator recommended that the Town notify Comcast that the Selectmen wished to open negotiations. A copy of the contract was included in

the Board packet. The franchise fee could be a potential change the Board may want to discuss. The franchise fee is a direct pass-through to residents and is returned to the Town to offset revenue. The current fee is 1%, or approximately \$18,000 annually. The Town Administrator suggested a clause be added to the contract that “all infrastructures are subject to applicable property taxes as set by statute”. If the Board opens negotiations, the Town Administrator will request Comcast draft a new agreement for review by the Selectmen.

P. Sanderson added that during the last renewal the Board tried to keep the franchise fee lower due to the impact on residents. It could be increased to 5% if the Town had a “PEG” (Public Education and Government) channel. The goal would be to keep the franchise fee down, if possible. The fee could also be eliminated.

MOTION: K. Forrest moved to notify Comcast that the Town of Greenland wishes to open negotiations for a successor franchise agreement. Second – J. McDevitt; all in favor. MOTION CARRIED

3. 2016 Elderly Deferrals

Four residents have applied and qualify for the annual tax deferrals. All qualify based on age, disability and percentage requirements for lien to value. They are filed as liens at the Registry; if the property is sold, the lien is paid to the Town with 6% interest.

MOTION: J. Rolston moved to approve the elderly deferrals for 2016 in the amount of \$21,600. Second – J. McDevitt; all in favor. MOTION CARRIED

4. Pavement Assessment

The Board received a copy of the draft pavement assessment report from Underwood Engineers. The Road Agent stated that the report is incomplete at this time. He met with the Town Administrator and Building Inspector last week; \$190,000 has currently been budgeted for general road paving and maintenance. Based on the study, an increase of \$35,000 was requested, bringing the budgeted amount to \$225,000. Great Bay Road will be eliminated because it’s a State Road; Maple Drive was not included in the report.

The Road Agent and Town Administrator reviewed how the roads were graded. Roads were rated based on current conditions, cracking, age of pavement, and drainage issues. All Town roads were graded and rated. They then looked at moving roads under three headings: routine maintenance (includes crack sealing, tree work, line striping, road side mowing); preventative maintenance (overlays); and reconstruction. The number one worst road was Willowbrook; Great Bay Drive West was rated as the second worst.

J. McDevitt added that he had some concerns, and discussed them with Underwood, regarding routine maintenance, overlays and reconstruction. They didn’t appear to have a grasp on some of the conditions on Bayside Road and how it was built. He recommended that they look at the roads; rather than reconstructing the entire road, they should reconstruct the damaged areas. The Road Agent added that coring has not been done at this time.

Under a five year plan, the grand total for roads to be in good condition would be \$3.5 million for all three phases; or \$602,000 per year for five years. The first three roads for overlays would be Portsmouth Avenue #2, Alden and Cortland. A warrant article may be submitted for Willowbrook and Great Bay West in the amount of \$350,000. One of the fund mechanisms that can be considered is to

increase the fee to \$5 for motor vehicle registrations; the Town currently collects \$2.50 and is allowed to collect up to \$5.

A CD with photos of the road conditions is also available. J. McDevitt mentioned his concern about a tree on Bayside Road that's in danger of coming down. P. Sanderson was concerned that the amounts being requested were not going to be enough considering the permits and other items that may be needed. He suggested doing the preparatory work in the 2017 budget cycle to do the roads correctly, and then do the work in 2018. The Town Administrator was unsure if Great Bay Drive West could wait another year. Several residents spoke about the condition of Great Bay Drive West. P. Sanderson wanted to be sure that the road was repaired correctly. He encouraged residents to attend the meeting when road conditions were discussed with Underwood Engineering; the Town Administrator will make arrangements with Underwood to discuss Great Bay Drive West at a Board of Selectmen meeting.

P. Sanderson asked if DOT had inspected the bridge on Willowbrook; they inspect all bridges, including municipalities. The Town Administrator responded that it didn't appear on this year's red list; P. Sanderson stated it would help the Selectmen prioritize. Guard rails will be needed even if the bridge is structurally sound.

P. Sanderson recommended that residents review the State's stream crossing rules for more information. (http://des.nh.gov/organization/divisions/water/wetlands/streams_crossings.htm)

5. Other New Business

RPC Legislative Forum: The Town Administrator updated the Board. RPC is looking to revise the Accessory Dwelling Unit law; they are doing a population update for the towns; and they are looking into updating Hazard Mitigation plans. Legislative policies: RPC is supporting the adoption of the Coastal Risks and Hazards plan (C-RiSe presentation by RPC to the Board in August 2016); support of an amendment to RSA 261 for the local option fee for transportation; implementation of the 2016 Rails to Trails study; expand the role of municipalities in State permitting of large groundwater withdrawals (this received a lot of support at the meeting). Also discussed was the importance of economic development and keeping things balanced. Electric rates are expected to be 10% lower this year due to the mild winter last year.

V. ACCOUNTS PAYABLE – THURSDAY, NOVEMBER 17, 2016

1. Payroll Manifest 23

MOTION: P. Sanderson moved to approve Payroll Manifest 23 in the amount of \$53,555.10. Second – J. Rolston; all in favor. MOTION CARRIED

2. General Fund Manifest 23

MOTION: J. McDevitt moved to approve General Fund Manifest 23 in the amount of \$233,161.48. Second - K. Forrest; all in favor. MOTION CARRIED

VI. ADJOURNMENT

MOTION: P. Sanderson moved to adjourn at 8:25 p.m. Second – K. Forrest; all in favor. MOTION CARRIED

NEXT MEETING

Monday, November 28, 2016 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, November 28, 2016