



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, July 20, 2020 – 6:30 p.m. – Virtual via Zoon

Members Present: Jamie Connelly, Rick Hussey, Jim Rolston, Steve Smith, Rich Winsor

Also Present: Matthew Scruton - Town Administrator

Chair Smith opened the Board of Selectmen meeting at 6:30 p.m. A roll call was taken; it was announced a quorum was present and the meeting was being held virtually through Zoom and recorded by video and audio. A checklist to ensure meetings are compliant with the Right-to-Know Law during the State of Emergency was read into the record by Chair Smith.

Attendance of Selectmen was taken by roll call: J. Connelly - aye, R. Hussey - aye, J. Rolston - aye, R. Winsor – aye, S. Smith - aye.

I. APPOINTMENTS

1. NH State Senator Tom Sherman: Rt. 33 Traffic Concerns

Senator Sherman joined the meeting to discuss his concerns about Rt. 33 traffic and the recent accidents; he has received many calls about Rt. 33. He has been in contact with Chief Laurent on many occasions and was supportive of the Town's efforts. Senator Sherman stated that a regional discussion regarding Rt. 33 was convened prior to COVID; it has been put on hold as a result of the pandemic. He asked how he could help Greenland protect its citizens that are at risk with traffic issues on Rt. 33.

R. Winsor thanked Senator Sherman for raising the concern. The topic has been very active in Greenland for several years. R. Winsor noted that he served as the Planning Board Chairman for a number of years and was familiar with the issues. It has been a significant topic of conversation on that Board; traffic on Rt. 33 has been a hazard and obstacle for the Town. R. Winsor stated that the driver of the increased activity on Rt. 33 has been the development of Pease. Several years ago, a prior Board reached out to the PDA and the City of Portsmouth to address the traffic impact on Rt. 33. There are some significant barriers with the PDA doing anything to help alleviate the problem. The PDA is garnering a tremendous amount of revenue from the leases on that property. Due to legislation, any of the lease money must stay on campus; that may be long overdue to be re-evaluated.

Senator Sherman responded that Dennis Malloy and Tamara Le, State of NH Representatives, sponsored legislation last year that got Greenland a seat on the PDA. Portsmouth gave up their half seat so that Greenland will have a voice in 2021 on the PDA Board. Senator Sherman attended a Planning Board meeting several years ago that was dedicated to the Rt. 33 corridor. He has had several discussions with the DOT Commissioner about Rt. 33. There is a regional effort including Stratham, Portsmouth, and Greenland. Rockingham Planning Commission has also done a presentation of their traffic study of Rt. 33. He found the presentation eye-opening because of the safety issues and speed during the off-peak

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times. Senator Sherman offered to work with RPC so the Board could hear that presentation. He felt Stratham and Portsmouth would work with Greenland to look at Rt. 33 regionally, adding Newmarket is also impacted by traffic coming into Stratham.

Senator Sherman noted that the recent accidents underscored the importance of safety along the Rt. 33 corridor. His role is how he can support the Town to address the huge safety concerns, especially the left turn issues in the passing lane. His commitment to the Rt. 33 corridor is regional.

R. Winsor stated that Greenland is a small town with limited resources. The Town was dealing with the State with limited resources, on a corridor that the State does not want to address because they do not have the funds. R. Winsor continued that the voice of Greenland is not likely to be heard any time soon; this has been ongoing for approximately five years, and no one is listening. Senator Sherman assured the Board that he would be a very loud voice on behalf of Greenland on the State level.

R. Winsor suggested inviting Stratham for a discussion. DOT should be part of the discussion about what they need to do and how they are going to engage. The PDA also needs to be involved, expending some of their funds on the issues they have created within the corridor. Senator Sherman discussed reconvening the regional effort, brokering a meeting with the PDA to discuss their impact on the corridor, and, in the short term, ensuring people travelling on Rt. 33 are safe.

R. Winsor stated the Board would be more than willing to participate. He continued this has been ongoing for five years and was concerned it would be another initiative that goes nowhere. Senator Sherman was hopeful, especially with recent events, that there was a compelling need to fix the problem. The first step was to reconvene the meeting with Stratham, Greenland, RPC, DOT and law enforcement.

J. Rolston noted that a recent accident on Rt. 33 was due to driver inattention and not road configuration. Chair Smith questioned how State/DOT budgeting would factor in; Greenland has a limited budget. Senator Sherman stated this was somewhat complex: federal and State money may be available. The funding will be 'front and center'. Rt. 33 was a State road; Senator Sherman did not think Greenland should have to share the cost. There is federal funding available in the House of Representatives and Congress; there was a question of whether the same transportation money would be available in the next Senate package. Senator Sherman noted that State revenues were down this year. He did feel there was an acute need for a solution, even if it was a short-term fix.

Senator Sherman recommended that because next year is a budget year, towns needed to be ready to argue for whatever was needed along Rt. 33. TA Scruton stated that the RPC traffic study did not include traffic counts on the secondary roads; the impact on those roads is huge. Secondary roads were not designed for heavy traffic; those roads are wearing prematurely and creating numerous safety issues. It needs to be factored into the equation. Senator Sherman responded that the long-term solution needed to include Rt. 33 and the secondary roads.

Chief Laurent joined the meeting. She recommended a center turning lane between Cushman Way and the Stratham Town Line to help reduce the number of accidents. From 2017 to July 20, 2020 there have been seven accidents at the Willowbrook Avenue/Dearborn Road/Rt. 33 intersection; nine accidents at Van Etten Drive/Rt.33; five accidents at Cushman Way/Rt. 33. Chief Laurent is working with lead engineers at DOT and the situation will continue to be evaluated. She felt strongly that Rt. 33 will remain a priority.

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Chair Smith noted that the speed limit in that section was 50 miles per hour; coming out of Stratham was 40 miles per hour. Chief Laurent stated that Greenland could not enforce 50 miles per hour coming out of Stratham even though their speed limit is 40. Chief Laurent had addressed the 50 mile per hour speed limit with DOT; their explanation was that the road was engineered and designed for that speed. DOT was 'big' on credible speed limits: if the speed limit is reduced on a road that should be higher, there will be people going the credible speed limit meant for the road.

R. Winsor stated it was important that they were moving as a unified front. RPC has done some good things talking about traffic calming measures and what can be done with the roadway to slow traffic down; Rt. 33 is built for speed. While a center turn lane may appear to be the resolution, there will still be cars going 50 or 60 miles per hour on either side. A fix to slow traffic down overall may want to be considered. Chief Laurent agreed. She is on a State Speed Task Force Committee; they have been discussing other measures.

J. Rolston agreed a center lane would be ideal. He noted there was a lot of bicycle activity on Rt. 33. He asked if there would be an expansion to allow bicycle lanes. Chief Laurent responded that in conversations with DOT, with the two large shoulders there would be ample room on both sides even with a center lane. She felt the danger to bicycles were the business and driveway cuts on Rt. 33.

J. Connelly asked if adding a center lane reduced the parameter and would have any effect on the speed. Chief Laurent did not like the passing zone and the threat for a serious crash. A center lane would eliminate a passing zone. J. Connelly: Addressing the concerns of the Van Etten Drive residents, asked if there was anything the Town could do now. Chief Laurent stated that the electronic signs are effective for the short-term. The Town owns a speed trailer that could be used.

2. COVID-19 Update: Dennis Cote, Emergency Management Director

Dennis Cote, Emergency Management Director, updated the Board. The numbers for the State are still good; however, there has been a slight uptick in the number of cases in Greenland. The grant process is at approximately \$30,000; Phase II will be started after Phase I is submitted. The majority of the grant from March through April was the Fire Department and Transfer Station; Phase II should be more realistic items. D. Cote has submitted a requisition for PPE's for first responders. He has not been in contact with the School but would like to discuss their plans for reopening. He recommended a discussion with the Town officials and Greenland School so everyone was aware of the plan in case of increasing numbers. D. Cote stated Greenland is doing a great job and he commended everyone at the Town Hall; he liked the way it was operating. He did not think any of the cases in Town would have affected the employees. The next big issue will be the election in September.

The School made the decision to close the school yard and they are putting in a new playground. D. Cote was unsure if COVID was the reason the school yard was closed but it could be the result of several things. TA Scruton has spoken to the Administrative Assistant to the Principal; she indicated the playground was closed for renovations. They hope to have it open when School starts.

Chair Smith brought to the Board's attention a sign for the Town Hall door requiring masks for all transactions. The consensus of the Board was that the sign was a good idea; it will be posted on the front door and the website.

II. PUBLIC COMMENTS

All comments should be emailed to comments@greenland-nh.com. Comments made by email or phone will be monitored during the meeting and directed to the Board of Selectmen.

TA Scruton announced the public comments received were regarding an earlier discussion.

III. APPROVAL OF MINUTES

1. Monday, July 06, 2020

MOTION: J. Connelly moved to approve the minutes of Monday, July 06, 2020. Second – R. Winsor; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

IV. OLD BUSINESS

1. Weeks Library Update

Jack Shephard, Building Inspector/Code Enforcement Officer, joined the meeting. He updated the Board on the Library boundary issue brought to him by the abutter. He had informed the abutter that it was a civil matter and recommended she contact her attorney and the Attorney General's office as well as hire her own surveyor. Other than that issue, everything seemed to be going very smoothly.

R. Winsor, addressing Marcia McLaughlin (Library Trustee Chairperson), was concerned with the neighbor coming forward about the monumentation. It is a resident of the Town and the Library is a Town project. He asked how the Library was addressing the issue to ensure it does not turn into something such as a civil matter. M. McLaughlin responded that the neighbor's issue is they have a document from 1935 or 1937. They do not agree with a curved line on the original deed dated in 1897. The neighbors are not accepting what the surveyor has told them. The family will have to decide how to pursue it and they need to consult an attorney. R. Winsor was hoping it could be resolved without involving an attorney. M. McLaughlin stated that the moving of the monument occurred when a tree was removed from the property line at the request of the neighbors. The tree roots were wrapped around the base of the monument and it fell over. The Library did not remove the monument. Chair Smith had discussed this issue with the Building Inspector: the monument had not been moved or removed; when the tree root came out, it took the monument with it. The measurement was done to exactly where it had been located.

2. Coakley Update

The Board received a copy of the minutes from the Coakley Executive Committee meeting held on Monday, June 11, 2020.

TA Scruton reminded the Board that the CDC feedback period regarding water quality within a one mile radius of Pease Trade Port continues until the end of the month.

3. Conservation Easement: Portsmouth Well Area

Al Pratt, City of Portsmouth, and Trevor McCourt, City of Portsmouth Staff Attorney, joined the meeting. The Board reviewed a copy of the latest draft with the changes from the meeting on Monday, July 06, 2020. Attorney McCourt stated the document does not convey any liability onto Greenland. A section was added to quell concerns that Greenland would be accepting any liability either for the land or as a result of agreeing to the document. Those sections should extinguish any right a third party, the City of Portsmouth, or other entity may have against Greenland.

R. Winsor requested striking out 'negligent, intentional or willful'; he did not want any ambiguity if there was any liability on the Town at all. Attorney McCourt responded: if the Town of Greenland or its agent were to intentionally pollute the property, this document would be separate from that issue. R. Winsor questioned if negligence was defined as Greenland's inaction in monitoring the site if a third party polluted the property. Attorney McCourt responded 'no'. R. Winsor felt the language could be misinterpreted if something happened. He suggested it be changed to 'a willful discharge by the Town of Greenland' rather than 'negligent, intentional or willful'; 'willful discharge' may be okay. Attorney McCourt was uncomfortable limiting it to a discharge because different types of pollution that may harm the property in the future could not be anticipated. R. Winsor requested further wordsmithing.

Attorney McCourt suggested a conditional approval so it could be forwarded to the State their review. The consensus of the Board was to move forward with a conditional approval; the document will be back to the Board after review by the State.

4. MS-4 Approval: SWPPP, O&M Documents

TA Scruton has been working on the MS-4 documents with Julie LaBranche, Rockingham Planning Commission. The Board reviewed the Operations and Maintenance Procedures and the Stormwater Pollution Prevention Plan prepared by RPC. Greenland, along with certain towns within the State, are required to comply with MS-4. Chair Smith summarized that the documents ensured Greenland would not pollute the stormwater runoff of Town surfaces. It is an unfunded mandate that needed to be adopted by the Town.

TA Scruton did 'push back' on some areas, for example an initial requirement for a street sweeper to be used on all the roads was reduced since the Town does not use sand on its roads, only salt. It was amended to be only the curbed roads, similar to last year. Some of the goals are to minimize the nitrogen and phosphorus found in runoff. TA Scruton felt it was a good plan and could be amended in year three; the document was for years one and two.

MOTION: J. Rolston moved the following: The Board of Selectmen, in accordance with the requirements of the EPA MS4 Permit, approve and adopt the Stormwater Pollution Prevention Plan and Operations & Maintenance Procedures documents which outline the town's responsibilities to comply with the permit requirements under Section 2.3.7 Good Housekeeping and Pollution Prevention for Municipal Operations. Second – R. Hussey

Discussion: R. Winsor stated they needed to understand the onus placed on the Town. He questioned who would be doing the quarterly site reviews, are they needed quarterly or was it annual. He was hesitant; he suggested it be reviewed for any 'hidden little nuggets' and tabled for further discussion. For example: the term 'shall not' is a very firm statement and should be changed to 'Greenland will do its best to ensure that is not'. TA Scruton stated language could be modified as long as it does not alter

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the overall intention of the MS-4 goals/requirements. R. Winsor stated the Town did not want to set itself up to fail: the Town did not have the staff or resources available. R. Hussey asked if Primex did MS-4 training; TA Scruton will look into that possibility. R. Winsor commented that the documents were good but needed to be wordsmithed. He recommended tabling for further discussion at the next meeting on Monday, August 03, 2020. The Board agreed to table further discussion.

TA Scruton asked Board members to review the documents and send him feedback this week. He will reach out to RPC.

5. GIS Mapping Update

Jack Shephard, Building Inspector, joined the meeting and updated the Board on the GIS mapping. To bring the Town up-to-date with CAI Technologies, a payment of \$3,550 is due. Starting in 2021, the annual cost will be \$4,250 which includes the base to be online and a map updates.

MOTION: R. Winsor moved to expend \$3,550 to bring the GIS mapping up-to-date and full website access for the remainder of the year. The amount of \$2,175 approved at the meeting on Monday, July 06, 2020 will not be paid and will be withdrawn. Second – R. Hussey; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

6. Contracted Services

The original motion on Monday, May 11, 2020, was for the Board to discuss contracted services at this meeting. The consensus of the Board was to continue further discussion until Monday, November 26, 2020.

7. Other Old Business

There was no other old business to discuss.

V. NEW BUSINESS AND ADMINISTRATIVE

1. Other New Business

Agenda Deadlines: J. Connelly recommended a deadline of 3:00 p.m. the Wednesday before Selectmen meetings for agenda items. TA Scruton suggested the exception would be emergencies with approval of the Chairman.

MOTION: R. Winsor moved that all agenda items must be submitted prior to 3:00 p.m. on the Wednesday before the Selectmen's meeting with exceptions for emergency situations that are previously approved by Board Chair. Second – J. Connelly; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

Cemetery Plot: R. Hussey mentioned that he was recently approached by a resident who was upset about a cemetery plot he purchased in 2006 and has his receipts. However, there is a someone else's headstone on his plot. R. Hussey questioned if the Cemetery Trustees were keeping records. The resident was concerned he no longer had a cemetery lot that he paid for. R. Hussey stated there needed to be follow-up. J. Rolston stated it should be referred to the Cemetery Trustees. TA Scruton

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noted the Cemetery Trustees keep records and there was a cemetery plot program they planned to make available online; TA Scruton will follow up with the Cemetery Trustees Chair.

RSA 79-E, Community Revitalization: The warrant article for RSA 79-E was approved at Town Meeting. TA Scruton will check with the Planning Board.

300th Anniversary Committee: J. Rolston, Chairperson, informed the Board that their big event and money maker was a beer fest. He was unsure it would happen; a decision may not be made until January 2021. The 300th Anniversary is scheduled for September 2021.

Rt. 33 Regional Committee: R. Winsor requested a member of the Planning Board be on the committee. M. Fougere has been very active on the Rt. 33 project.

VI. ACCOUNTS PAYABLE – THURSDAY, JULY 23, 2020

1. Payroll Manifest 15

MOTION: J. Rolston moved to approve Payroll Manifest 15 in the amount of \$63,264.32. Second – R. Hussey; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

2. General Fund Manifest 15

MOTION: R. Hussey moved to approve General Fund Manifest 15 in the amount of \$358,276.78 (School - \$285,000). Second – J. Rolston; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

3. Capital Fund – Library Manifest 06

MOTION: S. Smith moved to approve Capital Fund – Library Manifest 06 in the amount of \$1,040. Second – J. Connelly; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

4. Police Special Revenue Fund Manifest 03

MOTION: S. Smith moved to approve the Police Special Revenue Fund Manifest 03 in the amount of \$18,183.50. Second – R. Hussey; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

VII. NON-PUBLIC

1. RSA 91-A:3, II(I)

Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

MOTION: R. Winsor moved to enter into non-public session under RSA 91-A:3, II(I). Second – J. Rolston; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

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MOTION: J. Connelly moved to leave non-public session and return to public session at 9:00 p.m. Second – R. Hussey; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

MOTION: R. Winsor moved to seal the minutes of the non-public meeting. Second – J. Rolston; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. All in favor. MOTION CARRIED

VIII. ADJOURNMENT

MOTION: R. Winsor moved to adjourn at 9:02 p.m. Second – J. Connelly; all in favor. MOTION CARRIED

NEXT MEETING

Monday, August 03, 2020 – 6:30 p.m., Town Hall Conference Room & Virtual via Zoo

Submitted By – Charlotte Hussey, Administrative Assistant

Approved: