



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, August 17, 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. Cemetery Lane Road Repairs – Underwood Engineers

Ben Dreyer, Underwood Engineers Project Manager, joined the meeting. B. Dreyer gave a brief review of the Cemetery Lane reconstruction. They have done a design for reconstruction purposes and will be preparing and distributing the bid documents. Reconstruction will extend from Portsmouth Avenue just past the gate on Cemetery Lane and into the Transfer Station compactor area.

TA Scruton clarified that the Board would be voting to approve the RFP to be sent out. Bids will be due to TA Scruton by noon on Wednesday, September 09, 2020. The Board will review all bids at their meeting on Monday, September 14, 2020 and decide how to move forward. There will be a clause in the bid documents stating, “the Board has the right to reject any and all proposals”. B. Dreyer added that issuing the RFP does not obligate the Town to proceed with the work.

MOTION: J. Rolston moved to approve the Cemetery Lane Reconstruction RFP as prepared by Underwood Engineers. Second – J. Connelly; roll call vote: J. Connelly - aye, R. Hussey - aye, J. Rolston - aye, R. Winsor – abstain, S. Smith - aye. Four in favor, one abstain (R. Winsor); MOTION CARRIED.

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

Dennis Cote, Emergency Management Director was unavailable for an update.

II. PUBLIC COMMENTS

Individuals wishing to speak must sign in prior to the meeting. Time limit: 3 minutes per individual. The total time allotted shall not exceed 20 minutes, unless extended by the Board.

Chip Hussey, Winnicut Road: Chair Smith noted that due to internet issues, C. Hussey was present during the meeting; he was wearing a mask and social distancing. Chair Smith reminded those listening that email and phone were being monitored. C. Hussey addressed the Board with concerns about the snack shack at Krasko Field and volunteers working on the building. Work that needs to be done is 8 ft. off the ground; independent contractors may be better equipped. He noted that the Town insurance does not cover volunteer workers. C. Hussey also mentioned the need for a handwash station at the Transfer Station. His other concern was the house on the corner of Portsmouth Avenue and Cemetery Lane; someone could occupy the house and the Town may not be able to move them out due to COVID regulations. The house was condemned by the previous Building Inspector.

Running water is not available at the Transfer Station; there is waterless soap. Chair Smith noted that the closest running water would be at Krasko Field. There are port-a-potties at the Transfer Station. J. Rolston questioned if water was supposed to be available at work sites under OSHA. Jack Shephard, Building Inspector and former OSHA Inspector, stated running water is needed and the Town is not exempt. TA Scruton will research further and report to the Board.

III. APPROVAL OF MINUTES

1. Wednesday, August 03, 2020

MOTION: R. Winsor moved to approve the minutes of Wednesday, August 03, 2020. Second – R. Hussey; all in favor. MOTION CARRIED

IV. OLD BUSINESS

1. Weeks Library Update

TA Scruton informed the Board that the Library Fundraising Committee is nearing their goal of \$425,000; they have raised \$376,041.17.

Jack Shephard, Building Inspector, joined the meeting to update the Board on the construction progress. He re-inspected the foundation rubble cuts and was concerned there was no lintel on the inside header of the doorway as proposed by the structural engineer of the plans; Beverly Kowalik was present for those inspections. J. Shephard is waiting for a report from the structural engineer who stamped the plans.

2. Coakley Update

TA Scruton will be participating in a Coakley Executive Committee Teleconference on Tuesday, August 18, 2020 at 10:00 a.m. The Board received a copy of the agenda.

3. Conservation Easement – Portsmouth Well

Attorney Trevor McCourt, City of Portsmouth, joined the meeting. TA Scruton noted that the City of Portsmouth offered to pay for further legal review of the easement. Attorney Christine Fillmore, Drummond Woodsum, has confirmed she is available to review the conservation deed. Attorney McCourt stated the City of Portsmouth was prepared to reimburse the Town for attorney fees up to \$820. TA Scruton stated that Attorney Loughlin did a legal review of the original easement several months ago; it has not been reviewed since that draft.

R. Winsor felt a legal review would be a good idea. He suggested an open discussion with Attorney Fillmore about the Board's concerns and goals prior to her review. J. Rolston questioned how the Board could strike out 'intentional'; if the Town of Greenland did something intentionally, the Town would be responsible. Attorney McCourt requested that Attorney Fillmore contact the City of Portsmouth Legal Department if the review was going to take longer than four hours.

TA Scruton, having the general consensus of the Board, will contact Attorney Fillmore. The City of Portsmouth Legal Department will be billed directly for up to four hours of review.

4. Doors and Key Fobs

Dennis Cote, Emergency Management Director, had indicated that COVID related updates to increase public health and safety may be eligible for reimbursement up to 75%. It would be a Board decision if these updates would meet the criteria. The low bid to install an automatic door opener on the Town Clerk/Tax Collector Office was \$5,607; that could be justified under Category B reimbursement.

TA Scruton was unsure if the key fob system would meet the criteria, if audited, of increasing public health and safety. The Board felt it would help in contact tracing if there were an incident. R. Winsor added when not serving the public, there would be the ability to limit access to the building and maintain strict cleaning protocol. He suggested drafting a document from the Board that would "pass muster". He would support moving forward with key fobs if they had that opportunity.

The various proposals from Central Signal for the key fob security system were reviewed. TA Scruton explained that the far side door would be used by staff to avoid the public outside the front of the Town Hall; this could be used as justification. The Fire Department will remain locked. Distribution and programming of key fobs was discussed; TA Scruton was unsure if Central Signal handled that or if a staff member would be trained. There is a whole building generator for the Town Hall and Fire Department. TA Scruton suggested approving the higher amount for the security system; details could be discussed with the sales rep.

MOTION: J. Rolston moved to approve the proposal from Gage Construction for a door opener to be installed on the Town Clerk/Tax Collector Office in the amount of \$5,607. Second – R. Hussey; roll call vote: J. Connelly - aye, R. Hussey - aye, J. Rolston - aye, R. Winsor – aye, S. Smith - aye. All in favor; MOTION CARRIED.

J. Connelly requested more information on each proposal. Can the system be upgraded? How are the key fobs handled? Can the Town assign the key fobs or does the company? TA Scruton will do further research and report back to the Board at the next meeting.

5. Enforcement Issue - 454 Portsmouth Avenue

Jack Shephard, Building Inspector/Code Enforcement Officer, joined the meeting. J. Shephard was able to access the building through the tenant living in the apartment, who invited him inside. Interior pictures were provided to the Board. J. Shephard informed the Board he had spoken to Mark Fougere, Planning Board Consultant, who recommended that a cease and desist order should be given immediately and the premises vacated immediately. Everything needed to be removed and returned to normal; J. Shephard had no idea what was under there. He was concerned they did not have the septic capacity. It was J. Shephard's understanding that the owner's lawyer has recused himself. J. Shephard has spoken to the owner and told him it was a two-family unit. J. Shephard has not heard back from the owner. Chair Smith stated it was self-explanatory, is not allowed and is not an accessory dwelling unit or to code.

MOTION: R. Winsor moved to issue a cease and desist and vacate immediately for the property at 454 Portsmouth Avenue, identified as an illegal apartment or an accessory dwelling unit. Additionally, significant construction has been found not to be permitted and not to code and would request that the Building Inspector coordinate with the Town Administrator and attorney to draft a letter to be sent to the owner of record immediately. Second – J. Rolston; roll call vote: J. Connelly - aye, R. Hussey - aye, J. Rolston - aye, R. Winsor – aye, S. Smith - aye. All in favor; MOTION CARRIED.

6. Rt. 33 Update – Safety Concerns

State Senator Tom Sherman had a joint meeting recently to discuss safety concerns on Rt. 33, including recent accidents. It was decided that the best approach might be for Stratham and Greenland to write a joint letter to Commissioner Shaheen, NHDOT. Stratham's Town Administrator drafted a letter that was edited by TA Scruton to clearly identify the area of concern. They are keeping it top level by stating the area between Winnicut Road (Greenland) to Sandy Point Road (Stratham) should be reviewed for safety issues. They proposed solutions be investigated to address and reduce the risks on that stretch of road.

The Stratham and Greenland Board of Selectmen will be asked to review and approve the letter. That letter will be sent to the Commissioner, a number of State Representatives, NHDOT officials and Governor Sununu.

Chair Smith noted this would be a multi-year project. He thought it would be at least a two-year project to get it finalized, but felt it was a good first step. Chief Laurent joined the meeting. She agreed it was going to be a lengthy process and was pleased they agreed to a no passing zone within the next month or two. Representative Dennis Malloy joined the meeting and stated it was a very productive meeting. He learned there is potentially federal money available and suggested including in the letter there may be federal money available for similar situations creating a safety concern. The short-term solution is to eliminate passing, especially in front of Van Etten Drive where it is fast and dangerous.

MOTION: R. Winsor moved to approve the letter regarding safety concerns on Rt. 33 and authorize the Town Administrator to sign. Second – J. Rolston; roll call vote: J. Connelly - aye, R. Hussey - aye, J. Rolston - aye, R. Winsor – aye, S. Smith - aye. All in favor; MOTION CARRIED.

TA Scruton noted that Chief Laurent spoke extensively throughout the meeting and brought up a number of safety concerns. He appreciated her and D. Malloy being on the call.

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7. Transfer Station Employee Search Update

The Town advertised for a part-time employee to fill the vacancy at the Transfer Station on Saturday's. An application has been received from Wendy Grodan.

MOTION: R. Hussey moved to approve hiring Wendy Grodan for the Transfer Station position at the rate of \$15.50 per hour. She has agreed to take the class and test to be certified. Second – J. Rolston; roll call vote: J. Connelly - aye, R. Hussey - aye, J. Rolston - aye, R. Winsor – aye, S. Smith - aye. All in favor; MOTION CARRIED.

8. Overhead Door - Transfer Station Can Crusher Building

TA Scruton stated the crusher building cannot support a traditional garage door because the crusher is in the middle and very tall. The solution was to do a roll-up door that is self-contained. Three proposals were received; TA Scruton recommended the door from Independent Overhead Door. The door will be mounted externally and operated with a chain pull. It can be padlocked to prevent entry and a lock at the bottom.

Quotes: (1) Independent Overhead Door: \$2,212.28; (2) Overhead Door, Portsmouth: \$2,840; (3) Fimbel Seacoast Commercial: \$3,699.

R. Hussey wanted to make sure the doors were wide enough; TA Scruton responded they go from door jamb to door jamb on the outside of the building. J. Connelly was concerned about the building height if the crusher needed to be repaired. R. Hussey stated the building was built around the can crusher.

There was a discussion on funds to pay for the door. The door did not meet the criteria for the Transfer Station Equipment CRF. TA Scruton suggested some of the funding could be taken from the snowplowing line. Liz Cummings, Finance Director, joined the meeting stating the budget was at 75% for the year. She reminded the Board that we still have winter. She thought the Transfer Station was overspent on some lines, but not others. TA Scruton stated the most recent Transfer Station budget report was at 60% completion for the year, currently having spent 48.85% and trending under by approximately 11% (bottom line). R. Hussey suggested tabling further discussion until the Board had a better sense of what the budget would be and where the expense would be charged.

MOTION: R. Winsor moved to table further discussion until Monday, November 09, 2020. Second – J. Connelly; roll call vote: J. Connelly - aye, R. Hussey - aye, J. Rolston - aye, R. Winsor – aye, S. Smith - aye. All in favor; MOTION CARRIED.

9. Other Old Business

Snow Removal Contract: The Board signed the previously approved Snow Removal Contract. The contractor will also need to sign.

V. NEW BUSINESS AND ADMINISTRATIVE

1. Conservation Commission Liaison

At the meeting on Monday, August 03, 2020, the Conservation Commission Chairman requested the Board appoint a liaison to the Conservation Commission. In the past, a member of the Board was

appointed as a regular member with voting privileges; a liaison does not have voting rights. The Board of Selectmen could appoint a member to the Conservation Commission. A liaison could be appointed that would represent the Board's interest without voting rights.

Although J. Rolston thought Laura Byergo, Conservation Commission Chairman, did an excellent job, he was not interested in the position. She lets the Board know when the Conservation Commission needs anything. R. Hussey added that it would be easier to update the entire Board rather than one Selectman. R. Winsor suggested joint meetings over the course of the year. He agreed L. Byergo did a great job but it may be tough to have someone there consistently.

L. Byergo joined the meeting. She liked the idea of a joint meeting. She stated that the Conservation Commission's responsibility was to protect and promote the natural resources in Town. L. Byergo would like someone on the Board to talk to about goals of the Conservation Commission. J. Rolston noted that one Selectman cannot make decisions, that would need to be done by the full Board of five. R. Winsor and Chair Smith offered to be available.

2. Striping RFP - Roads, Transfer Station, Parking Lots

There are roads in Town that need striping. TA Scruton will prepare an RFP for Board review and approval. Chair Smith added striping, or lack thereof, was brought to his attention by a resident. Striping would be done on Town roads, the Transfer Station and Town Hall, Fire Department and Police Station parking lots.

J. Connelly asked for more information: Was it budgeted? What would be the cost? How many miles? Will it be the same number of miles? TA Scruton will research further and prepare an RFP for Board review and approval.

3. Personnel Policy Temporary Waiver

Chief Laurent has requested a temporary waiver to vacation leave in the Personnel Policy. Many of the officers have not been able to take vacation leave due to COVID restrictions. TA Scruton discussed possible solutions with Chief Laurent and Chief Cresta. A motion was drafted based on those discussions.

The recommendation is to expand the number of days that can be carried over to next year as well as increasing the number of vacation days that could be sold back to the Town. Vacation day carry-over and buyout is currently in the Personnel Policy; this would expand the allowance so Town employees do not lose earned time.

R. Winsor questioned if funding was available at a federal level for a buyout. TA Scruton was unaware of any funding. Buyback has traditionally been done through the budget. D. Cote may be able to respond to it being covered as a COVID expense. R. Winsor noted it was a COVID expense; vacation days could be used if they were not restricted by COVID. Chief Laurent added this was not an additional expense; the hours were approved as a normal part of business. R. Winsor responded that next year the Town could be heavily loaded with vacation because of the additional 20 days.

R. Winsor's preference was to buy back and not have the forward liability. There was further discussion about a temporary waiver for vacation days, with Chief Laurent explaining that the waiver would be

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effective through December 31, 2021. TA Scruton will discuss with D. Cote and report back to the Board.

4. Monday, September 07, 2020 Meeting Date

This item was included in error. The next meeting is Monday, September 14, 2020.

5. Other New Business

Candidate's Letter: Chair Smith received a letter from Joan Hamblett, a candidate for State Representative, District 31.

Mapping Update: J. Shephard has submitted maps to CAI Technologies to be updated.

Return to School: R. Winsor expressed his concerns that the documents he requested be in the packet were not included. He updated the Board on the return to school policy at Portsmouth High School. He questioned who owned the relationship between the Portsmouth School System and the Town of Greenland. J. Rolston responded it was the School Board and the School Board only. R. Winsor felt the Board of Selectmen should react to this issue, which is significant. Greenland had signed a contract that has not provided what the Town signed up for: it impacts our taxes as well as the ability of the children to receive an education, and there are many upset residents.

Chair Smith agreed with R. Winsor: the children were not getting the education they deserved. However, it was a School Board issue and the Selectmen did not have a legal foot to stand on. There was a lengthy discussion among Board members about contacting the School Board. R. Winsor wanted to present a unified front to the School Board—what can the Selectmen do to help and how could they support the School Board? J. Rolston stated it was not that the Board did not want to get involved; they should not get involved. R. Winsor wanted to show a position of unification.

J. Connelly suggested asking the Superintendent of Schools to call into a meeting. J. Rolston was opposed; the Selectmen were elected to handle Town issues, not School Department problems. R. Winsor felt it would be overstepping.

MOTION: R. Winsor moved that the Board of Selectmen write a letter to the School Board providing the Selectmen's support and question how they are proceeding with the lack of services being provided by the Portsmouth School Department during the 2020-2021 school year. Second – J. Connelly; roll call vote: J. Connelly - aye, R. Hussey - no, J. Rolston - no, R. Winsor – aye, S. Smith - no. Two in favor, three against; MOTION DENIED.

Agenda Items: R. Winsor questioned who had the authority to add items to the agenda. J. Rolston stated all Board members could add items to the agenda; the request could be made to the Town Administrator. TA Scruton stated that traditionally the Board Chairman approved the agenda; that tradition can be modified by the Board. The Board Chairman currently approves and sets the agenda. "Other Business" can be used for other items Board members may want to discuss and were not on the agenda.

There is not a formal process that is documented and R. Winsor challenged the process. The Chairman of the Board holds zero additional authority over the rest of the Board. R. Winsor requested that the procedure for setting the Board agenda be discussed at the next meeting.

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Chair Smith reminded Board members they agreed at the meeting on August 03, 2020 that the deadline for agenda items was 3:00 p.m. on the Wednesday before the meeting. The Board agreed to continue discussion at the next meeting on how agendas are established.

VI. ACCOUNTS PAYABLE – THURSDAY, AUGUST 20, 2020

1. Payroll Manifest 17

MOTION: Chair Smith moved to approve Payroll Manifest 17 in the amount of \$64,440.06. 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

2. General Fund Manifest 17

MOTION: J. Rolston moved to approve General Fund Manifest 17 in the amount of \$330,898.40 (School - \$285,000). 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

3. Police Special Revenue Fund Manifest 09

MOTION: R. Hussey moved to approve the Police Special Revenue Fund Manifest 09 in the amount of \$13,601.50. 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

VII. ADJOURNMENT

MOTION: R. Winsor moved to adjourn at 8:20 p.m. Second – J. Rolston; all in favor. MOTION CARRIED

NEXT MEETING

Monday, August 31, 2020 – 6:30 p.m., Virtual via Zoom

Submitted By – Charlotte Hussey, Administrative Assistant

Approved: