



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, April 26, 2021 – 6:30 p.m. – Virtual via Zoom

Members Present: Rick Hussey, Randy Bunnell, Richard Winsor

Members Absent: Jamie Connelly

Late Arrival: Steve Smith

Staff Present: Matthew Scruton - Town Administrator

Also Present: Susan B. Parker, Greenland and Newington PDA Representative; Town of Newington Board of Selectmen and Town Administrator Martha Roy (Remote); Eric Weinrieb, Altus Engineering (Remote); Laura Byergo, Conservation Commission Chairman (Remote)

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

Attendance was taken by roll call: R. Hussey – present, R. Winsor – present, R. Bunnell – present.

I. APPOINTMENTS

1. PDA Seat Discussion: Susan B. Parker, Town of Newington

The Town of Newington Board of Selectmen and Town Administrator, Martha Roy, joined the meeting via Zoom. Susan Parker was present at the meeting.

TA Scruton welcomed the Town of Newington and S. Parker to the meeting. R. Winsor welcomed S. Parker as part of the team. R. Winsor acknowledged that Vaughan Morgan, resident and former Selectman, lobbied for the PDA seat as well as Dennis Malloy, resident and State Representative. R. Winsor continued that he hoped we would have a voice and see some impact due to growth in Greenland. The Town welcomes growth at the Pease; it has brought great jobs and industry to the community. To a large extent, there has not been any voice from the surrounding area as the impacts from that growth have driven the burden onto other communities. R. Winsor continued that for him emergency services and traffic on Rt. 33 were the major concerns. He wanted to see that as an integral part of the process with the PDA, especially with any new projects.

R. Bunnell stated his concerns were similar to R. Winsor's and the growth impacting traffic through Greenland as well as environmental concerns. He was looking forward to communication.

S. Smith arrived at the meeting.

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S. Parker agreed that communication was critical and must be two-way. In submitting her application for the position, S. Parker clearly indicated that expectations should be stated as well as 'rules of engagement' (communication between S. Parker and the Boards). S. Parker suggested that after every PDA meeting there needs to be a reporting process. The PDA Board, Greenland Board of Selectmen and Newington Board of Selectmen are public boards and fall within the Right-to-Know Law. Transparency is important. S. Parker suggested, if both Boards agreed, that she would alternate Board meetings.

Ted Connors, Newington Board of Selectmen, stated Newington also had a full seat PDA member, Margaret Lamson. He suggested that S. Parker and M. Lamson meet with their Board to review their concerns. Newington has a lot of land and services available. T. Connors did not feel it was necessary to meet before the PDA meeting on Thursday, May 20, 2021. Newington's concerns included air and water pollution, noise (especially helicopter), paving of Arboretum Drive, and the privatization of the PDA. Newington's first meeting date after May 20th is tentatively Monday, June 07, 2021. Greenland's meeting date after May 20th will be Monday, May 24, 2021.

R. Winsor suggested S. Parker meet with each Board once a month on alternating Monday's unless there are special circumstances; T. Connors agreed. Newington will contact S. Parker with a definite meeting date.

S. Parker noted that the air show will be Saturday, September 11, 2021 and Sunday, September 12, 2021. She will research the air show events for that weekend. It is anticipated planes will fly in on Thursday, September 09, 2021 and practice on Friday, September 10, 2021.

TA Scruton noted that shared concerns were mentioned in the news release: pollution, environmental concerns, monitoring of drinking water, mitigating noise and traffic issues, etc. Meeting dates will be coordinated between S. Parker, TA Scruton, and TA Roy.

S. Parker requested access to the traffic study done on Rt. 33. TA Scruton will forward those reports to S. Parker. R. Winsor suggested she also contact Mark Fougere, Planning Board Consultant, with any questions about the traffic studies.

Vaughan Morgan, 16 Holly Lane and former Selectman: As Board of Selectmen Chairman, he talked with the Stratham Board of Selectmen regarding the Rt. 33 corridor. He suggested contacting Stratham for their concerns about traffic on Rt. 33. Chair Smith noted there had been discussions with Stratham regarding a portion of Rt. 33 in the Van Etten Drive, Willowbrook Avenue, and Stratham vicinity.

2. Bayside Road Update: Eric Weinrieb, Altus Engineering

Eric Weinrieb, Altus Engineering, joined the meeting remotely to discuss Bayside Road. The Board received a draft of the plan for reconstruction of Bayside Road. Also included was the draft of the specifications and cover letter (copy of all on file). Altus provided a 'front end' specification, referring back to DOT on all material requirements.

The draft will need to be refined to develop preliminary material quantity: linear feet, square yards, areas to install riprap in the swales, remove the paved swale and replace with stone swale on the steep slopes, underdrains in a couple of areas, etc. They are proposing one cross-culvert replacement; they are running 100 ft. west of Foss Brook and up to the railroad tracks.

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E. Weinrieb reviewed the cover letter with the Board that included areas requiring Board clarification. Those are performance items that allow the contractor to finish the project early. There are also liquidated damages for delay. E. Weinrieb recommended the draft of the insurance requirements be reviewed by the Town's insurance provider.

R. Winsor questioned the bid security bond. E. Weinrieb stated it was not necessary and adds a premium to construction. The bid is an 'open bid', however, the Town has the right to reject any bid. R. Winsor recommended a reasonable 'date deliverable' stipulation be included so the Town had some recourse.

E. Weinrieb reviewed their proposed schedule: complete discussions with the Board within the next few weeks; mail the bids out; the estimated start time would be August. That would give the contractor plenty of time to get the project done before cold weather. An estimated completion date of 'on or before October 15, 2021' would be included. E. Weinrieb noted that only the binder course would be included in this bid. This would allow the road to sit for a season before the wearing course was done.

Plans were reviewed with the Board. The project area will start at the railroad right-of-way, down Bayside Road to 100 ft. before Foss Brook. Altus Engineering will be checking for any additional swales or underdrains that may be needed. On the steep slope on both sides of Sofia Way and Colby Lane (proposed subdivision), underdrains will be added to help the subsurface water conditions and prevent gravel layers from eroding. Construction notes are included on the plan. The project will be disturbing over an acre; the contractor will be responsible for securing the USEPA Notice of Intent SWPP and monitoring the SWPP (that will be included in the specifications).

E. Weinrieb explained that the 2 ft. gravel shoulder would be enough for the road not to collapse if people were driving on the edge. There is a limited right-of-way; the goal is not to go onto a resident's property. The length of the project area is 4,100 ft. E. Weinrieb stated that the Police Department should decide on a uniformed detail vs. a civilian detail. He stated because it was a low traffic road, it could be done by flaggers. S. Smith will contact Chief Laurent; it could also be a condition of the contract similar to Cemetery Lane.

MOTION: R. Winsor moved to authorize Altus Engineering to proceed with reconstruction plans for Bayside Road and send to bid with the following stipulations: the insurance recommendations are incorporated into the bid, there is a performance bond/guarantee to ensure the project is completed by an acceptable date of October 15, 2021 but not later than the end of the year (2021), and comments from the Greenland Police Department regarding requirements for flaggers vs. uniformed detail are included. Second – R. Bunnell; roll call vote: R. Hussey – yes, R. Winsor – yes, R. Bunnell – yes, S. Smith - yes. All in favor. MOTION CARRIED

E. Weinrieb will have the final specs to the Board as soon as possible. E. Weinrieb, responding to R. Winsor, stated he would like to see substantial completion of pavement before October 15, 2021; shoulder work may need to be done after that date.

3. Berg Easement: Laura Byergo, Conservation Commission Chairman

Laura Byergo, Conservation Commission Chairman, and Florette and Wallace Berg, joined the meeting via Zoom. A conservation easement was submitted to the Board on behalf of the Berg's for reconsideration. The easement was for the back end of their property. The Conservation Commission has discussed this with Southeast Land Trust as well as the Berg's and their lawyer. The Conservation

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Commission is more than willing to accept the responsibility of doing the easement monitoring for this parcel. The Southeast Land Trust will not take the land because it is not a large parcel. The Town could accept the easement given its location on Norton Brook and that it goes under I-95 and joins with Norton Brook in Falls Way. The Conservation Commission monitors easements in Falls Way. This parcel is a substantial piece of land for protecting wildlife and wildlife corridors in Greenland.

TA Scruton advised the Board that the Town's legal counsel had not reviewed the revised conservation easement language. When previously discussed, the Board did not want to expend any further legal funds on this easement; the revised version has not been shared with legal at this time.

The easement was last discussed on October 13, 2020. R. Hussey stated the Board did not want to accept the easement at that time for specific reasons. He did not understand why the easement was being revisited; he was not in favor of accepting the easement. He suggested contacting Fish & Game. R. Hussey's concern was access to the property: if the property changes hands, the new owner may not allow the Town access. R. Winsor added that one of the challenges was the parcels should connect. The Town would be taking on the burden of another piece of property that had to be maintained.

Chip Hussey, 207 Winnicut Road, stated that with any conservation property there could be a problem with future landowners and the legal obligation of the Town for enforcement. He highly recommended that the Town should not say 'no' and suggested the Conservation Commission ally with Fish & Game or Southeast Land Trust to provide legal support if there was an enforcement issue. He used Falls Way as an example: it was not one piece of conservation property but multiple pieces of conservation property owned by individuals; this will be a problem in the future. TA Scruton noted that the Berg easement map outlined the conservation area and excludes all the buildings. In the previous easement proposal, a building was included in the easement area. That building appears to be excluded on the revised proposed easement.

R. Bunnell was in favor of the conservation of land but understood the concerns of the Town. He appreciated C. Hussey's recommendation they contact Fish & Game; there may be other legal recourses.

MOTION: R. Winsor moved to not accept the Berg Easement, 683 Post Road. Second – R. Bunnell; roll call vote: R. Hussey – yes, R. Winsor – yes, R. Bunnell – yes, S. Smith - yes. All in favor. MOTION CARRIED

L. Byergo stated the deed as submitted specifically indicated the Conservation Commission would be allowed to monitor the property and have access to the property up to three times per year. Conservation easements go with the property and would be enforceable on future property owners. She did not feel access to the property would be a problem. The Berg's changed the line to remove the barn; there are no buildings on the property. She did not understand the Board's concerns with the Berg property.

TA Scruton attempted to move the meeting forward to the next agenda item. L. Byergo stated she did not get an answer to her questions and the issue of the Berg property was not fully addressed. R. Winsor stated it was not a question of access for him; it was about the overall value for conservation. It was a small block in the middle of nowhere. The fully developed value would be more value for the Town than in conservation. He was in favor of conservation; he did not 'see it' on this one. L. Byergo clarified that he felt it would bring more value to the Town fully developed. R. Winsor responded that he did not see that as a high-value property from a conservation standpoint. L. Byergo stated this would be helping property owners do what they want with their land. R. Winsor responded the Selectmen

may not be the body to do that. L. Byergo continued this was an important piece for wildlife to cross I-95; there are not many culverts that go under I-95.

Joe Fedora, Van Etten Drive and Conservation Commission, stated for several years, he has heard about rights of private owners from the Planning Board and Selectmen and how it has to be balanced when there is an objection to something being built. He felt there was inconsistency and irony when the owners were proposing something and were told they could not do that with their property. R. Winsor stated they were not told they could not do an easement on their property. The Selectmen were not the body to accept the easement. The Board was not closing any doors or preventing the property from being put in conservation. The Selectmen were not the body to take on the liability and maintenance.

L. Byergo stated that other organizations had to look at really large pieces of property because of their scope. Towns have the ability to look with a microscope rather than a telescope. The Town can be sensitive to the small places that have value for the future.

TA Scruton attempted to move the meeting to the next agenda item once again. L. Byergo responded that Southeast Land Trust helped her prepare the deed so it would be the best conservation easement deed. She asked the Board what it would take for them to reconsider the Berg easement. S. Smith stated the Board was done with the Berg easement and were ready to move forward. L. Byergo responded she did not think this was a very good way to deal with the community. L. Byergo, stated for the record that in her personal opinion this was a high-handed way for the Board of Selectmen to deal with the issues in the community.

4. Inoculation of Trees at Rolston Park: Laura Byergo, Conservation Commission Chairman

Laura Byergo, Conservation Commission Chairman, asked David Stedman, Arborist with Northeast Shade Trees, for the name of an individual who may be able to protect the ash trees in Rolston Park. NH DES and NH Department of Agriculture have highlighted the Emerald Ash Borer as a major pest. There is a map that indicates it is in Rockingham County. The borer will kill the ash trees; the inoculation will help protect the trees.

L. Byergo received a quote to do chemical inoculation. Eleven ash trees were identified in Rolston Park. The total cost for 11 trees: \$4,800. L. Byergo stated this would be money well spent; Rolston Park is a value to the Town. Inoculations will last for three years. TA Scruton questioned if the insecticide was systemic and its effects on the surface water. L. Byergo responded that the insecticide was recommended for use in riparian areas.

The balance in the Conservation Commission warrant article is \$5,700. L. Byergo explained the warrant article was used primarily for trail maintenance and the summer intern. She requested the Selectmen consider using a portion of the DPW budget. The projected expenses for the remainder of the year include a summer intern (\$1,000), mowing of the meadow and open space areas at the Liberty Hill trail (\$600 to \$800), trail maintenance (undetermined). She would like to have at least \$3,000 available from the warrant article. The Conservation Commission will be requesting the warrant article be renewed in the next budget.

R. Hussey questioned if the ash trees were on Town property. L. Byergo responded that the vast majority were on Town property; there may a couple on State property. She will walk the property with the arborist; they may find some trees that should be removed.

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TA Scruton noted that other sources of funding would be Maintenance of Town Property or Culture and Recreation.

MOTION: R. Winsor moved to approve the inoculation of trees at Rolston Park, provided trees are not located on private property, not to exceed \$4,800; \$2,098 to be taken from Maintenance of Town Property and \$2,702 from the Conservation Commission warrant article. Second – R. Bunnell; roll call vote: R. Hussey – yes, R. Winsor – yes, R. Bunnell – yes, S. Smith - yes. All in favor. MOTION CARRIED

II. PUBLIC COMMENTS

There were no public comments.

III. APPROVAL OF MINUTES

1. Monday, April 12, 2021

MOTION: R. Bunnell moved to approve the minutes of Monday, April 12, 2021. Second – R. Hussey; roll call vote: R. Hussey - yes, R. Winsor – yes, R. Bunnell - yes, S. Smith - yes. All in favor. MOTION CARRIED

IV. OLD BUSINESS

1. Coakley Landfill Update

S. Smith updated the Board that he and TA Scruton remotely attended a Coakley Landfill Group meeting. He read a letter into the record that would be forwarded to NHDES (copy on file). S. Smith noted that things are not good with the Coakley Landfill Group. They said monitoring would be done and they still have yet to remedy the situation. R. Winsor stated the only way this would move was bad press for the Coakley Landfill Group and some of the large stakeholders. How do we get a voice under this? S. Smith stated that Senators and Representatives need to get involved.

NH State Representative Dennis Malloy joined the meeting remotely, stating he was 100% behind the letter read into the record; he co-sponsored the House Bill directing the clean up of the Coakley Landfill. He noted the bill passed the State Senate and House with bi-partisan voting and the Governor signed it into law. The intent was very clear. The voice from the Town and the Board of Selectmen clearly stating their concerns is as effective as what the committee can do; together they can make it work. Representative Malloy noted that Newington is a part of the Coakley Landfill Group and any cost will directly affect them.

There was a discussion about the bill that passed and how to do a bill that ‘has teeth’. Representative Malloy stated they had to do their job and he would help to move it forward. There is proof from Berry Brook that a few sandbags placed around the bottom is not fixing the problem. R. Winsor asked if the Board has his commitment to bring the information forward to start the discussion. Representative Malloy will contact NH State Senator Sherman within the next 24 hours. He continued that DES is not doing their job and they need to do enforcement.

R. Winsor asked for a status update the second meeting in May (Monday, May 24, 2021). S. Smith added that the Coakley Landfill Group will meet on Wednesday, May 12, 2021. TA Scruton noted that the EPA also sets requirements for the Coakley Landfill Group. R. Winsor stated he wanted to know what was getting done and when; he wanted regular updates once a month. R. Bunnell suggested that

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the Board attend the meeting on May 12th to voice their concerns. R. Winsor noted Greenland does not have a voice on that board; pressure was the only way to get them to move. He was looking for Representative Malloy to spearhead this because it was at a State level and it could not go by the wayside. R. Winsor asked Representative Malloy to update the Selectmen once a month on the Coakley issue; the Board will be updated at the second meeting of every month.

Representative Malloy is also a member of the Seacoast Pediatric Cancer Committee and they have not had a meeting in over a year.

2. Tuition Reimbursement: Sgt. Wayne Young

Wayne Young has completed his Integrative Capstone in Criminal Justice; the Board approved the course at their meeting on Monday, December 20, 2020. The Personnel Policy allows reimbursement of 50% of the tuition cost, dependent on completion and grade. The reimbursement would be \$670.50.

MOTION: R. Winsor moved to approve the tuition reimbursement request from Wayne Young in the amount of \$670.50 for the successful completion of the Integrative Capstone in Criminal Justice course. Second – R. Hussey; roll call vote: R. Hussey - yes, R. Winsor – yes, R. Bunnell - yes, S. Smith - yes. All in favor. MOTION CARRIED

3. Other Old Business

There was no 'Other Old Business' to discuss.

V. NEW BUSINESS AND ADMINISTRATIVE

1. Recycling

TA Scruton updated the Board on the recycling contract with **ecomaine**. The current contract lapsed in January 2020 and automatically renewed for three years. They realized their error, which is costing them money, and have asked the Town to reconsider the agreement. Currently, the only cost to the Town is the trucking. TA Scruton responded to **ecomaine** that the 2021 budget was done and it would not be considered for this year; it would be discussed in the fall. They have asked for a motion as a show of good faith that the Town will consider modification to the contract for the next two years. This will not commit the Town to any modifications. S. Smith added that between now and the budget process, other recycling contractors could be researched.

MOTION: R. Winsor moved that the Board review and consider any proposals from **ecomaine** for contract modification of our existing recycling agreement at a later date. A complete proposal should be sent to the Town as soon as possible, understanding that the contractual agreement should be relatively favorable. The Town will seek three additional bids on recycling services. Second – R. Bunnell; roll call vote: R. Hussey - yes, R. Winsor – yes, R. Bunnell - yes, S. Smith - yes. All in favor. MOTION CARRIED

TA Scruton noted that if the contamination in the load exceeds a certain percentage, the Town will incur a fee (in the hundreds of dollars). There is substantial savings in our current agreement. Recycling could cost the Town \$20,000 to \$30,000 per year. TA Scruton has contacted Waste Management for an initial quote. He has received a proposal from **ecomaine**; the cost was substantially higher. He felt it was in the best interest of the Town to continue this to October 2021.

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2. 2020 Equalization Municipal Assessment Data Certificate

The assessor prepared an Equalization Municipal Assessment Data Certificate to be used by DRA to calculate the municipality's equalization ratio which is used to set the tax rate.

MOTION: R. Hussey moved to certify the 2020 Equalization Municipal Assessment Data Certificate as prepared by the assessor. Second – R. Winsor; roll call vote: R. Hussey - yes, R. Winsor – yes, R. Bunnell - yes, S. Smith - yes. All in favor. MOTION CARRIED

3. Current Use Approval

The assessor has approved, and recommends the Board approve, the Current Use Application for the Ciborowski property (38.7 acres) on Breakfast Hill Road, Map R2, 01 (in the vicinity of 33 Breakfast Hill Road, which is Town-owned land).

MOTION: R. Winsor moved to approve the Current Use Application for the Ciborowski property on Breakfast Hill Road, Map R2, 01. Second - R. Hussey; roll call vote: R. Hussey - yes, R. Winsor – yes, R. Bunnell - abstain, S. Smith - yes. Three in favor, one abstained (R. Bunnell). MOTION CARRIED

4. Other New Business

Public Service Announcement: Monday, May 03, 2021, 10:00 a.m. will be the dedication of the General Lafayette sign near the Gazebo on Post Road and Church Lane.

VI. ACCOUNTS PAYABLE – THURSDAY, APRIL 29, 2021

1. Payroll Manifest 21-09

MOTION: R. Winsor moved to approve Payroll Manifest 21-09, pay date April 29, 2021. Gross amount, excluding payroll liabilities: \$62,318.89. Second R. Bunnell; roll call vote: R. Hussey - yes, R. Winsor – yes, R. Bunnell - yes, S. Smith - yes. All in favor. MOTION CARRIED

2. General Fund Manifest 21-09

MOTION: R. Hussey moved to approve General Fund Manifest 21-09 of Unpaid Bills Detail as of April 29, 2021 in the amount of \$318,224.39. This manifest includes a Greenland School District payment in the amount of \$225,000. Second – R. Bunnell; roll call vote: R. Hussey – yes, R. Winsor – yes, R. Bunnell - yes, S. Smith - yes. All in favor. MOTION CARRIED

VII. ADJOURNMENT

MOTION: R. Winsor moved to adjourn at 8:22 p.m. Second – R. Hussey; roll call vote: R. Hussey - yes, R. Winsor, R. Bunnell - yes, S. Smith - yes. All in favor. MOTION CARRIED

NEXT MEETING

Monday, May 10, 2021 – 6:30 p.m., Town Hall Conference Room & Zoom

Submitted By – Charlotte Hussey, Administrative Assistant

Approved: 