



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Tuesday, May 30, 2017 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chester Deorocki, Chip Hussey, Vaughan Morgan, Jim Rolston, Paul Sanderson
Staff: Karen Anderson – Town Administrator

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. Sarah Rowe – Conservation Commission Appointment

Sarah Rowe, Vernita Drive, has requested to be appointed to the Conservation Commission. S. Rowe introduced herself to the Board; the Town Administrator reminded members that she was here several weeks ago about live streaming meetings. P. Sanderson suggested that S. Rowe visit the NH Association of Conservation Commissions website as well as attend the Planning Board meetings on occasion.

MOTION: C. Hussey moved to appoint Sarah Rowe to the Conservation Commission for a term to expire March 2020. Second – J. Rolston; all in favor. MOTION CARRIED

II. APPROVAL OF MINUTES

1. Monday, May 15, 2017

MOTION: P. Sanderson moved to approve the minutes of Monday, May 15, 2017, as written. Second – C. Hussey; all in favor. MOTION CARRIED

III. OLD BUSINESS

1. Coakley Update

The Town Administrator updated the Board that a second draft letter was sent to the City of Portsmouth for review. She spoke with Brian Goetz last week; he explained that Attorney Sullivan was reviewing the letter and wanted to speak with P. Sanderson directly by phone. P. Sanderson responded that, to date, he hasn't spoken to Attorney Sullivan.

This morning the Town Administrator received a letter from the City of Portsmouth regarding the Coakley issue and the draft letter. It was stated that they have amendments that have been rejected by

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the Town of Greenland. The Town Administrator stated, emphatically, that she has not received any amendments nor have any been rejected. There has been no contact with Portsmouth other than “it’s currently being reviewed”. She added it would be appropriate to discuss the issue further in a non-public session under RSA 91-A:3, II(c) to avoid damaging the reputation of a neighboring town. P. Sanderson stated that it’s also a pending legal matter, although not filed in writing as noted by the Town Administrator. P. Sanderson added that before there are any further meetings with the City of Portsmouth, there needs to be instruction from the Board as a whole. The Town Administrator stated that Representative Messmer was going to be contacting Portsmouth to set up another meeting.

Chair Morgan stated for the record that after reading all the letters, it was his opinion that Attorney Sullivan was being disingenuous. Time is of the essence; Representative Messmer has gone on TV and informed residents state-wide that the money is available. Chair Morgan continued that he was upset by the situation and Senator Morse stated it would be on a first come, first serve basis.

The Town Administrator stated that the situation could be discussed in public even though the correspondence was from an attorney and not based on current litigation. The Town Administrator had revised the letter to Senator Morse to include only signatures from the Greenland Board of Selectmen. Chair Morgan stated he didn’t like the idea of a lot of non-public sessions, and would ask for a roll call vote to move into non-public.

P. Sanderson stated that the facts were incorrect. The Town has not received anything from Portsmouth referring to the draft; he hasn’t received any calls from Attorney Sullivan and the Town Administrator hasn’t had the draft returned to her. The Town Administrator added that when the draft was sent to Portsmouth, the Board pointed out the emergency and dire circumstances of that area based on the PFC’s and 1,4-Dioxane leaching from the Coakley Landfill. Sharing that information appears to be the concern from the City of Portsmouth: if there is a responsible party there wouldn’t be any money. The Town Administrator noted that if there isn’t an emergency there wouldn’t be any money.

P. Sanderson stated that he would be more than happy to meet with Attorney Sullivan to redraft the letter. He noted that the factual error would be corrected at that meeting. P. Sanderson also stated that the MTBE Fund is the subject of a provision in “The Trailer Bill”. He explained that every two years when the State budget is done, there is a primary bill that’s the State budget and then a second bill known as the “trailer”. That bill puts other provisions needed to implement the budget into law. The Trailer Bill creates another new committee to administer the MTBE money. That will be considered by the Senate this week.

2. Investment Policy

The Board is required to have this annual policy under RSA 41:9. This is not the same policy as the one held by the Trustees of the Trust Funds. The Investment Policy is used for the cash flow of the Town that’s handled through the Treasurer. This policy is the same as in past years and has been approved by the auditors. The policy is very safe to maintain liquidity. The banks must be located within the State of New Hampshire and fully collateralized. P. Sanderson added that this policy deals with operating cash, not invested cash. The Town Administrator corrected the address listed in the policy to 11 Town Square.

MOTION: J. Rolston moved to approve the annual Investment Policy. Second – C. Deorocki; all in favor.
MOTION CARRIED

3. Fund Balance Policy

This is an annual policy that sets the Town's parameters with the Government Finance Officers Association recommendation to maintain a cash balance. It provides cash flow liquidity for the Town's general operations and is accumulated through revenues that exceed annual estimates and appropriations that are unspent during the fiscal year. The Town Administrator explained that this policy plays into effect the Unassigned Fund Balance, which is the difference between the amount appropriated and the amount spent. The policy outlines that the Town will maintain an amount equal to 5% to 17% of the total appropriations of the community. The Town Administrator recommended not going lower than \$1 million. That keeps the Town with a solid cash flow without having to borrow against anticipated property tax revenue.

Each year when the audit is completed, the Town Administrator knows what happens to the Fund Balance, how much wasn't spent and how much revenue was over. At budget time, she estimated \$500,000 would be added to the Undesignated Fund Balance. The Board voted to deposit \$425,000 into various Capital Reserve Funds (approved at the 2017 Town Meeting). The actual amount going into the Fund Balance was \$515,000. Going into the tax rate setting, the Fund Balance is going to be \$1.854 million, which is very healthy. This will give the Town more room to add funds into the Capital Reserve Funds at Town Meeting; it could also help to offset the tax rate due to an increase in the school rate (they predicted an increase of \$1). The Board of Selectmen will make that decision in the September/October range.

P. Sanderson further explained that it may look like the Town is holding aside \$1.85 million that could be used to reduce the tax rate; that is not the case and incorrect. The Town Administrator added that \$1 million should be kept in reserve. This year the Board was able to deposit funds into various CRF's and still reduce the tax rate: \$250,000 was used to reduce the tax rate and \$425,000 was put in CRF's.

MOTION: P. Sanderson moved to approve the 2017 Fund Balance Policy. Second – J. Rolston; all in favor. MOTION CARRIED

4. Comcast Franchise Extension

The Town Administrator has spoken to Comcast about extending the Town's current agreement for two years rather than doing an actual renewal. The franchise fee will remain at 1%; the deadline will be extended to April 13, 2019. This would give the committee time to organize and review the contract, and hold public hearings.

MOTION: J. Rolston moved to extend the current Comcast Franchise Agreement for a two year period to April 13, 2019. Second – P. Sanderson; all in favor. MOTION CARRIED

5. Other Old Business

J. Rolston updated the Board on the grant from the National Endowment for the Humanities that was discussed by Leonard Schwab at the last meeting to digitalize the history of Greenland. L. Schwab should be able to meet the deadline of June 01, 2017. He was able to get a volunteer from the Portsmouth Athenaeum. The Town Administrator added that she met with him and Teresa Walker last week; the Town of Greenland will be the applicant, she will be the project administrator and L. Schwab will be the contact person. The grant is for equipment: large format scanner, small format scanner, computer and printers, and reverse software (similar to Dragon Software but is reverse). Paul Hughes

has countless reams of hand written and typed documents. He will be able to read those into the software program and an audio recording will be created that can be played to generate an indexable Word document. Name of the software: Time Perfect. The back room in the Town Administrator's office will be used. When the Weeks Library is completed, most of the equipment will be moved there. Chair Morgan thanked L. Schwab for all his work on the grant.

C. Hussey updated the Board that the Property Maintenance Supervisor is caught up with the mowing. He'll start checking on pricing for the cosmetic repairs to the properties.

IV. NEW BUSINESS AND ADMINISTRATIVE

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

The Town Administrator updated the Board on the proposed phone service. She is still working on the comparison of the current phone system and the Comcast proposed system. The Comcast service is voice over IP. The Town currently uses BayRing; there are three lines coming in: two lines are dedicated to 431.7111 and the other is 431.3070, which is dedicated to the Building Department. There are many times that people call and complain they get a busy signal. The three lines are often busy at the same time.

With the Comcast system, the same lines will come into the building. They will provide the equipment (voice over IP) and each phone will be assigned to a desk with an extension. Currently, if a call comes in for the Town Clerk, all phones in that office ring. With the Building Department, those two phones will ring plus the Town Administrator's. The Comcast system allows the phone to ring only at one desk; everyone can be on the phone at the same time.

The Comcast system is slightly more expensive. The current phone bill is approximately \$125 per month; that would increase to an estimated \$216 per month. The equipment would be new and owned by Comcast (if it breaks, they replace it). The existing equipment was replaced approximately 11 years ago and is no longer supported. The Town Administrator approached the Board last year to replace the phone system; at the time it wasn't cost effective. This may be an opportunity for new equipment at no cost and, more importantly, improve efficiency.

The Comcast technician inspected the lines and system for compatibility. They are in the process of putting together their report. The Board was in agreement to move forward. P. Sanderson asked that cell service be part of the report.

2. Marking of Town Vehicles and Equipment

C. Deorocki asked the Town Administrator to check into purchasing Town decals for Town vehicles and equipment. She has contacted the vendor who made the magnets used on Town vehicles. Two different size decals are available and can be purchased for less than \$100. They would be put on the truck, trailer, rolling equipment and Town car. Decals would be similar to those on the Police Department vehicles. Magnetic decals are currently being used on Town vehicles.

C. Deorocki stated that any time new equipment and/or vehicles are purchased, they should be labeled and have reference numbers. The Town Administrator responded that reference numbers are assigned and there is an asset control system.

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MOTION: C. Hussey moved to purchase decals to be used on the Town car, truck, trailer and rolling equipment. Second – J. Rolston; all in favor. MOTION CARRIED

3. 2018 All Veteran's Tax Credit

Two applications for the 2018 All Veteran's Tax Credit have been received. Both applicants qualify.

MOTION: J. Rolston moved to approve the All Veteran's Credit for Deborah Hussey and Ronald Hussey. Second – P. Sanderson; four in favor, one abstain (C. Hussey).

4. Other New Business

- Fire Department Call-In Wages: C. Hussey stated he has been told that minimum pay for EMT's/firefighter's responding to a call is one hour, and is illegal. That needed to be cleaned up or pay responders a two hour minimum. P. Sanderson suggested that Chief Cresta be asked to attend a meeting to discuss those concerns. C. Hussey responded that he would like to give the Chief a heads-up on the issues. The Town Administrator added that she has spoken to the Chief and individuals are not required to respond. If a particular person was called in, a two hour minimum would have to be paid based on the Department of Labor. Because the call-in is voluntary, a one hour minimum is legal. C. Hussey felt it was a gray area with no policy.
- Fire Department: C. Hussey voiced concern that the hiring of personnel was done by the Chief and not the Board of Selectmen. Hiring in all other departments in Town is done through the Selectmen. P. Sanderson responded that the warrant article would have to be reviewed. It is proper for the Chief to hire through RSA 154, depending on how the Town voted.
- Building Inspector Letter – Enforcement: It's been a year and something needs to be done regarding the property near Van Etten Drive. Several residents in that area have approached C. Hussey about the problem. Asked by Chair Morgan what could be done legally, C. Hussey responded that it's an enforcement issue with zoning and health. The owner of the property in question stockpiles so she doesn't have the square footage; it becomes a health issue because she's compounding water. P. Sanderson disagreed, stating the Town would have to be careful under RSA 236. C. Hussey responded, stating that it wouldn't be easy; however, it was time to put on the "big boy panties" and do something. P. Sanderson stated that there was a difference between a junk yard and a junky yard. More facts would be needed from the Building Inspector before the Board could act. C. Hussey stated that it's been over a year of promise after promise, and it's time for the Selectmen to start demanding. J. Rolston stated that he has spoken to the Building Inspector about this issue; he is working on it but may be a little leery of getting the Town in trouble. Chair Morgan added that while he didn't disagree with C. Hussey, he didn't want the Town using legal fees if there was no solution. He suggested asking the Town Attorney for his opinion. P. Sanderson wasn't sure if the Town Attorney was the right direction because he doesn't do Circuit Court enforcement. C. Hussey suggested consulting with the Town Attorney for a recommendation on how to proceed, adding there is also the health issue. P. Sanderson warned members to be very careful and to rely on State statute. To his knowledge, the Health Officer had not made any determination. He reminded the Board that Town officials couldn't access property without permission. If not given permission, they must get an Administrative Inspection Warrant; local officials don't have the authority to walk around properties. Noting that the Board was frustrated, P. Sanderson urged members to go step by step with care to avoid problems. It would be entirely prudent to have the Building Inspector gather the facts and consult with the Town Attorney before the Board made any decision. The Town Administrator will have the Building Inspector discuss the issue with the Town Attorney.

V. ACCOUNTS PAYABLE – THURSDAY, JUNE 01, 2017

1. Payroll Manifest 11

MOTION: P. Sanderson moved to approve Payroll Manifest 11 in the amount of \$49,852.65. Second – C. Hussey; all in favor. MOTION CARRIED

2. General Fund Manifest 11

MOTION: P. Sanderson moved to approve General Fund Manifest 11 in the amount of \$854,173.54 (School - \$791,989). Second – J. Rolston; all in favor. MOTION CARRIED

3. Ambulance Special Revenue Fund Manifest 01

MOTION: P. Sanderson moved to approve Ambulance Special Revenue Fund Manifest 01 in the amount of \$15,007.69. Second – J. Rolston; all in favor. MOTION CARRIED

4. Police Special Revenue Manifest 04

MOTION: P. Sanderson moved to approve Police Special Revenue Manifest 04 in the amount of \$430. Second – C. Deorocki; all in favor. MOTION CARRIED

VI. OTHER BUSINESS

1. Coakley Landfill

Moving into non-public session was discussed. P. Sanderson stated that since the contents of the letter had been reviewed earlier, he would be happy to discuss it in public session. Based on text of the draft letter sent to Portsmouth, he understood (to some extent) why they felt that Greenland was looking to completely absolve itself and put the difficulties on them. P. Sanderson continued that Greenland had to absolve itself because the Town contributed absolutely nothing to the problem. That should not be changed; Greenland will completely absolve itself because the Town is completely blameless.

P. Sanderson felt the Town Administrator expressed the remainder very well. No one is trying to set forth anything that hasn't already been adjudicated in 1992 by a federal court. The Town Administrator added that she used information directly from the EPA's finding of significant differences, which is on public record. There is no attempt to create a new theory of liability or responsibility, etc. P. Sanderson continued that it needed to be stated why it's a problem and needed to be dealt with now; there would be no reason for the grant funds if there were no problem.

Chair Morgan, in agreement, asked how the Board should move forward. The Town Administrator responded that the first option would be to meet with Portsmouth to find out what they wanted to remove from the letter. The letter could then be re-written and submitted. Option two was to sign the letter from Greenland only, and Greenland would ask for the money.

P. Sanderson didn't support the second option, noting the Town couldn't proceed by itself. The Town didn't know how to do the engineering or how to connect. The Town also didn't have the authority to go into Portsmouth. He didn't feel the Town could proceed on its own to rebuild the water system. He felt Portsmouth and Greenland should work together on the issue or the project wouldn't happen.

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The Town Administrator has been unable to retain legal counsel for this matter; she could look outside the New England area. The conflict of interest with firms appears to be with the City of Portsmouth, the Coakley Group and Waste Management (a national company) as well as the Air Force and Navy. P. Sanderson suggested contacting the Conservation Law Foundation for their input.

P. Sanderson noted the membership of the proposed Groundwater Advisory Commission. The Town Administrator stated that the first half would be very supportive of getting water into this area and then it's really diverse. P. Sanderson added it was a very large decision-making body. He was unsure it would pass in this form, but would be considered by the Senate this week. If Portsmouth and Greenland weren't willing to work together, the project should stop now. He didn't want to end the project because of the risk to the health and safety of the Town's citizens. The public water system wouldn't benefit the vast majority of the Town; however, it protects the health and safety of the affected individuals.

J. Rolston asked P. Sanderson if he would be able to talk directly to Attorney Sullivan to get things ironed out; P. Sanderson felt it was possible. He wanted to correct him factually and develop a balance to make it compelling enough to compete with other cities/towns. In addition, Portsmouth does have responsibility. The Town Administrator added that they were making Greenland look greedy: the Town wanted MTBE money to provide water for no good reason.

P. Sanderson summarized for the Board: Greenland's role would be maintained. Greenland wanted to proceed because the health and safety of the citizens were impacted. A balance had to be hammered out that showed enough of an exigent circumstance and that liabilities were not being imposed on Portsmouth. The Board needed to show enough urgency to get the money. P. Sanderson noted that Senator Morse didn't want to give money away; he wanted it to be a lasting trust fund. If the project stops now, getting more protection around the Greenland well also stops. The Town is looking for water to be extended to 50 acres behind the Bethany Church and the work force housing in that area would stop. The Town Administrator added that if Representative Messmer saw the letter the Town received, she would be upset and on social media immediately.

The Board was in agreement to move forward as recommended by P. Sanderson and the Town Administrator. The Town Administrator and P. Sanderson will be meeting with the City of Portsmouth this week.

VII. ADJOURNMENT

MOTION: J. Rolston moved to adjourn at 8:00 p.m. Second – C. Hussey; all in favor. MOTION CARRIED

NEXT MEETING

Monday, June 12, 2017 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: