



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, September 26, 2022 – 6:30 p.m. – Town Hall Conference Room

Members Present: Randy Bunnell, Jamie Connelly, Vaughan Morgan, Steve Smith, Richard Winsor

Staff Present: Matthew Scruton, Town Administrator

Chair Smith opened the Board of Selectmen meeting at 6:30 p.m. A roll call was taken, and it was announced a quorum was present and the meeting was being live-streamed and recorded.

I. APPOINTMENT

1. Little Tree Education Proposed Montessori School: 69 Tide Mill Road

R. Winsor, Board of Selectmen representative to the Planning Board, reviewed the driveway permit request for 69 Tide Mill Road with the Board. The outlet for the proposed development is on Rt. 33. NHDOT will not move forward with their traffic analysis of that intersection until the Board gives their approval. The Selectmen need to indicate there is a proposed development that needs to be reviewed by NHDOT. Any upgrades to the project are the responsibility of the developer. Signing the driveway permit allows the applicant, currently at the Planning Board, to continue to move forward and NHDOT can start their analysis. Their analysis will include whether they will allow a left turn onto Rt. 33. V. Morgan questioned if the Planning Board had any concerns, to which R. Winsor responded that at this point it was clerical. The development has a long way to go before it is approved.

Rebecca Brown, Greenman-Pedersen, reminded the Board they had been before them in March and presented the traffic study. The Board voted to forward it to NHDOT. The permit was forwarded to NHDOT with a letter from Mark Fougere, Planning Board Consultant. A review of the traffic study was done and approved to move forward to Highway Design. The permit cannot move forward from Highway Design until they have a signed driveway permit from the Town.

MOTION: R. Winsor moved to approve the NHDOT Driveway Permit for River Tweed Properties (Little Tree Education), 69 Tide Mill Road (Tax Map R17, 65) in order for NHDOT to formally review the Little Tree traffic study. There will be no financial liability placed on the Town for the traffic study or any required upgrades to the property, the intersection or Rt. 33. Second – V. Morgan; all in favor. MOTION CARRIED

2. PDA Update: Susan Parker, Greenland/Newington PDA Representative

Susan Parker, Greenland/Newington PDA Representative, updated the Board on the latest PDA meeting on Thursday, September 15, 2022. The Board had directed S. Parker, at a previous meeting, to find out what was happening with transportation studies. The PDA went through their transportation files and provided her with information from their Surface Transportation Master Plan (also known as STMP). S.

DRAFT: SUBJECT TO CHANGE

Parker reviewed the report given to the Board (copy on file). She recommended the Board look at the existing traffic operations on site, which was when they started measuring the annual usage of various places they define as choke points if full build-out was achieved. S. Parker pointed out the list of ongoing VHB studies.

Pro-Con Kane has an option agreement for July 2022 to January 2023 and are serious about shovel in the ground in 2023. Additional information should be available late this year or early 2023 about transportation. This project will need a transportation study. There is no information available about employees. Sig Sauer: The site review process has not started. Transportation is mentioned in their site review. S. Parker commented that both Pro-Con and Sig Sauer may have transportation studies.

Full traffic studies can include a traffic impact evaluation, estimated trip generation, level of service for effected intersections, establish base-built networks with proposed development using data by PDA or published by Institute of Transport Engineers. These are not data but organized and collected by towns.

S. Smith pointed out that the annual percentage of traffic at Pease is the most important part and the study should have gone back to 2019. Due to COVID there may have been a list of reasons why traffic numbers are negative. R. Winsor noted that on page 7, there is more granular data. From 2017 to 2019, there was a 10% increase. S. Parker stated that if the Board wanted to know something that did not appear in the report, she will request the information. J. Connelly would like to the know the number of inlets and outlets in 2010 and 2020. He questioned why the number of employees was omitted. Personally, he would omit anything referring to 2020 and 2021, which would be skewing the numbers dramatically. S. Parker would not recommend that approach for the Town: the granularity is where the 'rubber hits the road'. The numbers should be there to be able to present off those numbers; there may be something that relates to a need factor.

J. Connelly stated he would like to see the number of employees at Pease. The numbers with the new projects should be expanded. J. Connelly would like numbers from 2015 to the current number. S. Parker suggested employee numbers for every year. R. Winsor stated they really needed to be aware of scope. The scope of the traffic study they have is internal to Pease Trade Port and is meaningless to Greenland. V. Morgan questioned how they determined the development in regional impact. Information referring to RSA 36:55 was included in the report and reviewed with the Board. S. Parker felt the Town could develop a needs statement.

S. Parker will try to extract the data from the planning section of the Engineering Department. R. Winsor noted that there has been an incremental gain over time. R. Winsor asked if it was the responsibility of an individual development and do they bear that responsibility. He reiterated the scope of the study needed to be expanded beyond the footprint of Pease and look at average trips per day during peak morning and afternoon hours. The scope should be expanded to Bayside Road, which is a choke point and impacted.

S. Parker stated there are two presenting opportunities: Pro-Con and Sig Sauer. She explained the regional impact process. Paul Sanderson, Shore Drive, explained the qualifying factors for regional impact. Once a municipality is declared a DRI, it becomes an abutter for the land review of that parcel. The municipality would have the ability to present evidence as well as the rights of appeal because of legal standing. R. Winsor asked if there was criteria for a municipality to be deemed as regional impact. P. Sanderson stated it was not clear and there are no administrative rules for that. S. Parker questioned who determined if Greenland qualified. P. Sanderson stated it would be RPC and the reviewing body together.

DRAFT: SUBJECT TO CHANGE

R. Winsor noted that the City of Portsmouth or Town of Newington had to determine the projects as regional impact. Newington may be more receptive than Portsmouth. R. Winsor suggested that S. Parker push for a full study or 2022 data as opposed to extrapolated data.

II. PUBLIC COMMENTS

There were no public comments.

III. APPROVAL OF MINUTES

1. Monday, September 12, 2022

MOTION: R. Winsor moved to approve the minutes of Monday, September 12, 2022. Second – V. Morgan; all in favor. MOTION CARRIED

IV. OLD BUSINESS

1. Coakley Update

TA Scruton updated the Board on the water issue at 399 Breakfast Hill Road. Peter Britz, City of Portsmouth Water Department and Coakley Landfill Group, responded that water will be provided via Rye Water Line. The Rye Water Department will be adding an additional service to the water line; they are not extending the line. They have done filtration systems in other locations. There will be a Coakley Executive Committee meeting on Tuesday, October 11, 2022, at 11:00 a.m. at Portsmouth City Hall.

2. Update - Conservation Easement with City of Portsmouth (Map U3, 8A): Greenland Well

Attorney Whitley has agreed to review the updated easement language. The City of Portsmouth agreed to pay 'reasonable' attorney fees. TA Scruton advised the Board this could be potential leverage for something they may want in return. TA Scruton has discussed this with P. Sanderson and the recurring hydrant fees. P. Sanderson felt it may be an opportunity to negotiate payment in lieu of taxes, which is allowed by the RSA.

Requested by V. Morgan, P. Sanderson summarized his thoughts on this issue. The location of the well is approximately 40 feet by 40 feet. They also have a fee interest of a 20-foot-wide strip of land out to Post Road, their access point. The Town of Greenland owns the surrounding land. The access is used as the entrance to the Maloney Recreational Fields. The Chick's also own property in that area. The goal is to ensure the municipal water supply: 600,000 gallons a day are withdrawn. The City of Portsmouth is seeking measured control of 400 feet around the well; DES stated a municipal well should be protected by 400 feet. P. Sanderson questioned if a conservation easement was the correct tool. The well area is owned by the Town of Greenland. As Selectmen, they have a duty under statute to control and manage Town property. There could be certain protections for the parcel; they could protect the quality of water by adopting an ordinance with specific terms. There is no reason to grant a property interest to the City of Portsmouth. Property interest would be perpetual; the well may not be. The tool they have selected to protect the water may be the wrong tool. This would be an opportunity to have discussions with the City of Portsmouth to obtain protection of the municipal water supply and resolve issues Greenland may have had with the City of Portsmouth. There is a statute that states they should be making a payment in lieu of taxes: the City of Portsmouth owns property in Greenland and are paying nothing. This would be an opportunity to discuss potential fees for fire suppression, clarify access into

DRAFT: SUBJECT TO CHANGE

Maloney Field and use of the field. V. Morgan clarified that the road into Maloney Field is owned by the City of Portsmouth.

R. Winsor noted those were very valid points and there should be further discussion before moving forward. S. Smith stated that the Attorney Whitley will look at the easement document.

3. Other Old Business

S. Smith and TA Scruton spoke to Commissioner Sheehan last week about Rt. 33. He also wrote a very nice letter to Commissioner Sheehan as well as Councilor Stevens regarding the fact that RPC is not really listening to Greenland's concerns. Included with the letter was the Vanasse traffic study as well as the pertinent facts about what the Town was looking at and what should be done. S. Smith, responding to R. Bunnell, stated there was a lot of 'lip service' but not a lot of progress. V. Morgan commented that S. Smith made those present aware of the Town's concerns. Mr. Roache's email comments were disconcerting and did not have anything to do with what went to the State other than the fact they control what goes forward to NHDOT. S. Smith continued they were told there was no other route than going through RPC. S. Parker questioned if Commissioner Sheehan backed up the statement; S. Smith responded 'more or less'. They will not do anything without a recommendation from the RPC.

V. NEW BUSINESS AND ADMINISTRATIVE

1. 2023 Budget

TA Scruton recently met with department heads. S. Smith and V. Morgan were also present. Department heads have been asked to turn in budgets by Monday, October 03rd.

2. School Crosswalk on Post Road

TA Scruton explained that the Town was made aware through DOT that work was being done on Post Road near the School. The Town was unaware of the work and started researching. The Building Inspector met with Brian Helfrich, SAU 50 Facilities Manager. The SAU purchased some beacon-lit crosswalk signs similar to the one at Cherry Hill Drive and Post Road. They were in the process of installing those when DOT halted work to ensure it was being done to DOT standards. Changes and upgrades may be needed, and the SAU has not budgeted for those. B. Helfrich has requested the Town consider helping the SAU with the upgrades, costing an additional \$5,000. The additional work may require the footings to be replaced. TA Scruton noted that the Town has not been involved in the process. In 2019, the Board indicated they did not want to acquire beacon signals at the crosswalk due to the cost and requirements. DOT will only enter into an agreement with the Town for the ongoing maintenance of equipment. The Town could have a sub-agreement with the SAU requiring them to maintain the signals. Ultimately, the Town would be responsible for maintenance from the DOT's perspective. The SAU has asked if the Town would be agreeable to the maintenance, signing off with DOT and providing any financial support for the project. The Town has not budgeted for this.

J. Connelly noted that Post Road is a State road and questioned why they did not contact NHDOT about doing a project on a State road. R. Winsor commented they did not reach out to the Planning Board, the Building Inspector, or the State. Responding to J. Connelly, TA Scruton explained that the email indicates that the Police Department worked with the SAU to move the project forward; it did not go

DRAFT: SUBJECT TO CHANGE

through the Town. The Town Hall was unaware of the project until contacted by DOT. S. Smith added that trees had been removed near the SAU building and they were looking at lighting in front of the building.

R. Winsor stated he would like follow up to understand how involved the Police Department was in the project. If they were involved, he would like to know why they did not feel the need to speak to the Board of Selectmen, Planning Board, etc., for guidance. The Town keeps getting into these situations where money is spent, in some situations a lot, while failing to take into consideration the resources that are available to plan and avoid these types of situations.

S. Smith noted that in a September 2022 email (copy on file) from SRO Nick Drew, he indicated that Chief Laurent signed her portion, and he delivered it to the Superintendent of Schools at the beginning of the 2021-2022 school year. If the Chief was aware of it, it should have gone to the Board.

R. Winsor stated he would like to understand the status of the school budget for the year and what is available that has not been expended. He did not feel that \$5,000 needed to come from the Town budget. They should have the means to provide ongoing maintenance. A broader discussion may be needed regarding the need for 'flashy, blinking lights' on the side of the road. R. Bunnell felt the School would have the money available.

MOTION: R. Winsor moved to continue further discussion until additional information is available. Second – J. Connelly; all in favor. MOTION CARRIED

It was suggested by V. Morgan that Chief Laurent be at the next meeting for further discussion.

3. Salt Contract

The Town's snowplow contractor, Jim Jones, prefers Morton Salt. He had issues getting salt from Eastern Mineral: the salt clumps very easily when moist and is a problem going through the augers on the trucks. TA Scruton explained that Morton Salt is slightly cheaper. The big difference is contractually: Morton Salt is obligating the Town to purchase a minimum of 40% of quoted tonnage by December 31, 2022; a minimum of 50% must be purchased by March 31, 2023.

Last year, between 800 tons and 900 tons of salt was used on Town roads. A safe estimate of 1,800 tons is recommended and should easily be used according to J. Jones. Any balance can be contracted with Eastern Minerals. TA Scruton recommended both contracts be approved: Morton Salt – 1,800 tons to 2,000 tons; Eastern Minerals does not require a set number of tons. The bays are nearly empty and storage capacity is available. J. Jones told TA Scruton that salt could be stored and tarped if necessary. TA Scruton noted that would be an environmental issue storing salt near the wetlands.

J. Jones would appreciate the Board support to purchase Morton Salt. If using salt from Eastern Minerals, twice the volume would be required on the roads. J. Jones believes that Morton Salt is a cost savings to the Town.

Responding to a question from R. Winsor, TA Scruton stated that last season, which included 2021 into 2022, approximately 983 tons of salt was used. This year, there is very little salt to start the season. S. Smith recommended starting with 2,000 tons from Morton Salt, requiring a commitment of half. If the

DRAFT: SUBJECT TO CHANGE

Town committed to purchasing 2,500 tons from Morton Salt, that would require 1,250 tons to be purchased by March 2023. TA Scruton noted that filling the bays would be 500 tons to 600 tons. Last season, J. Jones was able to purchase some Morton Salt from a third-party contractor who marked up the price.

MOTION: R. Winsor moved to purchase up to 2,500 tons of salt from both Morton Salt and 1,000 tons of salt from Eastern Mineral as a backup. Second – V. Morgan; all in favor. MOTION CARRIED

4. Trustees of Trust Funds Legal Invoice

Trustees of Trust Funds were unavailable to attend this meeting. TA Scruton explained this item could be continued to the next meeting; however, approval of payment would not be made on this manifest. The Trustees of Trust Funds hired an attorney to review the Emma Perkins Trust. They felt Bank of America was not doing an adequate job handling the trust and they could do better: management fees were being paid to Bank of America.

The Trustees hired an attorney without consulting the Board of Selectmen or Town about using the Town Attorney. They do not have a legal line in the budget and did not consult the Town to move funding into their budget for payment of this invoice. TA Scruton did not have any indication that North Hampton agreed to split the invoice even though they are also beneficiaries of the Emma Perkins Trust.

TA Scruton stated that after speaking to Dennis Malloy, Trustees of Trust Funds Chairman, the funds will be divided between North Hampton and Greenland. The Trustees of the respective communities will be managing those funds.

The Board may have concerns that the Trustees of Trust Funds spent legal funds without consulting the Town about utilizing the Town Attorney or moving budget funds so they would have funds available.

J. Connelly asked how the Board could stop this type of thing from happening. TA Scruton responded that the push back would be to ask the Trustees if the invoice could be paid from the trust rather than the Town operating budget. He recommended consulting the Town Attorney.

S. Smith noted that the letter dated August 08, 2022, is signed 'Michael Chubrick, Volunteer'. He questioned if M. Chubrick volunteered to do this out of good will or if the Trustees went to him. S. Smith continued if he was going to send a bill for \$1,100, that was a good 'volunteer' rate. The Trustees should have done some due diligence and looked at it further.

It was recommended by V. Morgan to look at paying the invoice from the trust. R. Winsor questioned if M. Chubrick had any relationship with the North Hampton Trustees. TA Scruton, referring to the volunteer status, stated that work was done at \$50 per hour.

MOTION: R. Winsor moved to continue further discussion to the next meeting on Tuesday, October 11, 2022. Second – J. Connelly; all in favor. MOTION CARRIED

5. October 10, 2022, Meeting (Columbus Day)

The next meeting is on Monday, October 10, 2022, which is Columbus Day. Town Offices will be closed.

DRAFT: SUBJECT TO CHANGE

MOTION: R. Winsor moved to change the Board of Selectmen meeting from Monday, October 10, 2022, to Tuesday, October 11, 2022. Payroll may be submitted Tuesday morning, October 11, 2022. Second – J. Connelly; all in favor. MOTION CARRIED

6. Other New Business

Roads: The Selectmen will be discussing roads at the next meeting. Eric Weinrieb, Altus Engineering, will be at that meeting. The Board received a copy of the proposed paving budget for next year.

Seacoast Greenway Rail Trail: TA Scruton attended a meeting last week. Parking options off Breakfast Hill Road are being discussed. The rail trail will be gated to motorized vehicles. Horses and skateboarding will be allowed on a portion of the Portsmouth trail.

VI. CONSENT AGENDA

1. Appointment of Conservation Commission Alternate

Stephan Toth, Palm Drive, has submitted an Application for Appointment to the Conservation Commission. The Conservation Commission currently has seven members, which is the maximum number allowed by RSA. Stephan Toth will need to be appointed as an alternate to the Conservation Commission, term to expire March 2023.

2. Payroll Manifest: \$66,209.54

3. General Fund Manifest: Total - \$1,102,590.12 (Town: \$24,229.86; Cambridge Trust [Library Bond]: \$184,345.51; School: \$800,000; Weeks Public Library: \$94,014.75)

4. 300th Anniversary Fund: \$3,800

MOTION: R. Winsor moved to approve the Consent Agenda as presented. Second – J. Connelly; all in favor. MOTION CARRIED

VII. NON-PUBLIC

1. Personnel – RSA 91-A:3, II(a)

MOTION: R. Winsor moved to enter non-public session under RSA 91-A:3, II(a) at 7:47 p.m. Second – V. Morgan; roll call vote: J. Connelly, yes; R. Winsor, yes; R. Bunnell, yes; V. Morgan, yes; S. Smith, yes. All in favor. MOTION CARRIED

MOTION: R. Winsor moved to leave non-public session and return to public session at 8:05 p.m. Second – V. Morgan; roll call vote: J. Connelly, yes; R. Winsor, yes; R. Bunnell, yes; V. Morgan, yes; S. Smith, yes. All in favor. MOTION CARRIED

The Board acknowledged that this would be TA Scruton's last meeting; he will be leaving to become the Town Administrator in Rye. The Board expressed their thanks and appreciation for his service. The Board announced that Paul Sanderson would become the new Town Administrator beginning Monday, October 03, 2022. P. Sanderson has extensive knowledge of municipal government and has served on several Town boards.

DRAFT: SUBJECT TO CHANGE

VIII.ADJOURNMENT

MOTION: R. Winsor moved to adjourn at 8:10 p.m. Second – V. Morgan; all in favor. MOTION CARRIED

NEXT MEETING

Tuesday, October 11, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By – Charlotte Hussey, Administrative Assistant