



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, March 05, 2018 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chester Deorocki, Chip Hussey, Vaughan Morgan, Jim Rolston, Paul Sanderson

Also Present: Planning Board Members – John McDevitt, Dave Moore, Rich Winsor, Jamie Connelly (Alternate), Steve Gerrato (Alternate), Catie Medeiros (Alternate)

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. Great Bay Drive East

P. Sanderson explained there was a problem on Great Bay Drive East as it connects to the Bayridge subdivision. John and Tina Wendell own the property at that junction (P. Sanderson pointed out the property on the plan). In 2015, in an effort to ensure it as a public way, the Wendell's conveyed a strip of land to the Town as shown on the plan. The Planning Board reviewed the transfer; however, the road was included in the 60,000 sq. ft. legal lot size. When the land was conveyed to the Town, the lot became non-conforming. The property is now for sale; a title search correctly determined that the lot is non-conforming. To correct the issue, the Town would convey the strip back to the Wendell's. They would retain ownership of the 60,000 sq. ft. needed for a conforming lot, and the Town would obtain an easement for transportation purposes over the surface of the roadway.

P. Sanderson explained that this proposal was different from the issue with Great Bay Drive West and other parts of Great Bay Drive East. The road had been shown as part of the subdivision plan approved by the Planning Board in the past. He proposed that the Town convey its interest back to the Wendell's, restoring their lot to a legal configuration. The Wendell's would then convey to the Town the easement rights that are necessary for a transportation easement over the surface. Members of the Planning Board were present to jointly declare this as an accepted public road and put this particular segment to rest once and for all as a public way.

C. Hussey questioned the procedure and if it fell under RSA 41:14(a). P. Sanderson responded he believed it did not because it was an error to accept the deed in 2013. If not done expeditiously, it would cause substantial damage to a citizen. It's also being done to avoid the potential of litigation and the potential of damage to that citizen. P. Sanderson continued that he was prepared to move forward; it accomplishes something the Planning Board had approved in the 1970's. He didn't feel it was necessary to go through a long, convoluted process in order to correct an error that does substantial justice, and meets the intent of what the Planning Board had approved. Chair Morgan was in agreement with P. Sanderson.

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R. Winsor, Planning Board Vice Chairman, clarified it was approved by the Planning Board in 1976, and questioned if it was approved as a public way or private way. P. Sanderson responded it was approved in its current location as a private way. It has been used by the public during that period of time. R. Winsor noted that a private way vs. a public way has a very different standard; P. Sanderson agreed. He continued that Bramber Valley was approved by the Planning Board as a private way and doesn't meet the same standards as a public way by definition of the Town's zoning. This situation was similar in that it was approved by the Planning Board in 1976 predicated as a private way and not as a public road that the public will be responsible for maintaining through perpetuity, adding they needed to be cautious. Chair Morgan added that every year the Selectmen have stated it's a private road and not public but maintained for emergency purposes only; K. Anderson thought the emergency lane may have been confirmed since 2005.

S. Gerrato asked if an easement road was being created. P. Sanderson responded that it would be creating a public way. It would be a public easement right-of-way rather than a fee owned right-of-way. There are different subsurface rights that are involved with this road. This segment is very short, connecting between Bayridge Road, a fully accepted public way, and Great Bay Drive East. The difference between West, East and this location is that there is a plan approved by the Planning Board in 1976. That gives the Board much more authority to move forward to resolve the matter in favor of calling it a public road.

D. Moore asked why the Town was maintaining a private road. P. Sanderson explained it's being maintained as an emergency lane, which is a lesser standard. RSA 231:59-a allows roads to be maintained to a minimal level for the purpose of emergency access. K. Anderson added that it was due in part because it's been done for many years before it was brought to the attention of the Board that it shouldn't be done; it was continuing an accepted practice.

J. McDevitt asked if the transportation easement was accepted, would it only apply to that section of the road. He also clarified that it will have no bearing on any discussion regarding Great Bay Drive East or West. P. Sanderson responded that there would be no effect on that; the Board was only declaring it about this particular segment. K. Anderson stated that the metes and bounds are clearly spelled out in the easement and deed.

MOTION: P. Sanderson moved that the Board of Selectmen convey the necessary property that had been conveyed to the Town from the Wendell's back to the Wendell's, restoring their ownership of 60,000 sq. ft. as a legal lot; accept the deed from the Wendell's as the easement interest over the surface giving the Town the transportation easement. With the consent of the Planning Board, accept that segment as a public way, putting the question of ownership of a public way to rest. Second – J. Rolston; four in favor, one abstain (C. Hussey). MOTION CARRIED

Planning Board Discussion: R. Winsor asked if they were going to accept Great Bay East and West; P. Sanderson responded not with this action. The only segment that was under consideration was the triangle around the Wendell property as shown on the recorded subdivision plan. R. Winsor asked if it was subject to the same warrant article as voted on at the 2010 Town Meeting, and what does it subject the Town to if the Board proceeded and started to accept small portions of roads rather than looking at it in totality. P. Sanderson responded it took the connector from Bayridge over to the edge of the Wendell property and made it a public way. It would not affect anything else with regard to Great Bay East and West. Planning Board members felt it would set precedent. P. Sanderson noted that the Selectmen have upheld the finding that Great Bay East and West need to be maintained for emergency purposes. He didn't feel the action would have any impact.

R. Winsor opened the discussion to the Planning Board. K. Anderson stated that if the proposal by P. Sanderson was accepted by both Boards, the segment would become a public way maintained by the Town. D. Moore questioned if it could be accepted as a private way maintained by the Town. P. Sanderson explained that it was the Selectmen's intent to be dedicated to public use and become a public way, not the same as a private way. If it were a private way, the individual who purchased the property from the Wendell's would be able to close it off. The Selectmen would not like to see that happen because it interconnects two neighborhoods and is necessary for emergency services. D. Moore questioned how it can be accepted as a public way without meeting Town standards; P. Sanderson responded RSA 231:3 states a Town can maintain a public way to the standard it chooses. It doesn't have to be paved to certain widths or standards. That segment would be classified as a Class V road. P. Sanderson continued they're trying to maintain the connectivity of two neighborhoods as well as help a citizen make his house marketable. R. Winsor was concerned about setting precedent. P. Sanderson reiterated that this area was approved on a recorded subdivision plan; Great Bay East and West have never shown on a recorded subdivision plan.

MOTION: S. Gerrato moved to approve the transfer of property deeded to the Town by John and Tina Wendell (Book 5440 and Page 2197), returning the parcel to the Wendell's and that the Town accept a perpetual transportation easement over the same property. Second – D. Moore; all in favor. MOTION CARRIED

2. Chief Cresta: Fire Update

Chief Cresta updated the Board on the fire at 437 Portsmouth Avenue. At the site, 90% of the hazard has been cleaned up. There is damaged fire gear and hose to responding department throughout the seacoast: Greenland, North Hampton, Kittery, New Castle, and Newmarket. The damaged fire gear and hose must be submitted to the insurance company for replacement within 30 days. Chief Cresta has received costs from each town; the Town of Greenland has \$21,324 in damaged gear and hose; North Hampton submitted \$5,317; Kittery submitted \$20,275; he is still receiving replacement costs from other towns. RSA 154:8-a addresses replacement of gear due to equipment contamination. Chief Cresta has not ordered replacement gear for the Town; coverage through Primex is \$1,000.

Chair Morgan expressed his appreciation to the department for their coverage of the fire. Chief Cresta noted it was the seacoast area as well; everyone worked together and they got it done. P. Sanderson explained RSA 154:8-a to those present. The insurance company will be contacting the owner of the building or the tenant regarding replacement of gear and hose.

Chief Cresta explained that replacement takes approximately 8 weeks. It affects the readiness of the department, and P. Sanderson suggested the Board authorize the replacement of gear to be covered with Town funds until insurance reimbursement was received. Chair Morgan agreed with P. Sanderson, stating there are emergency personnel that aren't equipped and it's imperative they be operational; safety trumps everything.

C. Hussey questioned if the Capital Reserve Fund for replacement of Town equipment could be reimbursed when the insurance check is received, which is difficult to do. K. Anderson was unsure if the use qualified for that CRF which states "equipment as shown in the Capital Improvement Plan"; individual equipment isn't expensive enough to include in the CIP. P. Sanderson suggested it be done through the Fire Department budget and General Fund; reimbursement could then be accepted back into the Fire Department budget.

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MOTION: C. Hussey moved to authorize the replacement of gear and hose that were damaged during the fire on Saturday, February 24, 2018, not to exceed \$25,000. Second – C. Deorocki; all in favor. MOTION CARRIED

II. APPROVAL OF MINUTES

1. Monday, February 19, 2018

MOTION: C. Hussey moved to approve the minutes of Monday, February 19, 2018, as written. Second – J. Rolston; all in favor. MOTION CARRIED

III. OLD BUSINESS

1. Coakley Update

Friday, April 06, 2018 has been set as a tentative date for the next public meeting at the Bethany Church at 6:00 p.m. The EPA, DES and Coakley Group will be present. K. Anderson received notification from the City of Portsmouth that the grant for the engineering of the water line on Breakfast Hill Road has been completed and is in front of the Governor's Council for approval. Once signed, the City of Portsmouth will receive the check. P. Sanderson added that Rep. Messmer's bill for testing fish has failed; however, the EPA has drafted a QAPP and asked the Coakley Landfill Group to do fish testing samples within specific parameters. Fish and Game will be issuing an administrative rule that would make Berry Brook a catch and release location. Fish and Game will still stock but the fish will be marked as part of the testing to indicate it's a stocked fish and not one that has been in the brook/river for several years.

Coleen Penacho, Tidewater Farm Road: Asked why fish were still being stocked. P. Sanderson responded it has to do with sportsmen as a resource they would like to use. He explained that stocking is not always for consumption but also just to be caught. Testing will be done to see if the chemicals in the water are harmful to the fish.

2. Appointment of Town Treasurer

K. Anderson updated the Board that two applications had been received from Greenland residents. She briefly reviewed the resumes from Mark Raque and Sandra Trull-Smith. Chair Morgan noted that M. Raque had been a member of the Budget Committee and that S. Trull-Smith had been the Town Treasurer at one time.

MOTION: J. Rolston moved to appoint Mark Raque as the Town Treasurer. Second – C. Hussey; all in favor. MOTION CARRIED

J. Rolston stated M. Raque has a very impressive background, and was probably over-qualified. He felt he would be the best choice. K. Anderson added that his appointment would become effective after the voting on Tuesday, March 13, 2018. Tina Miles, current Town Treasurer, has agreed to work with the new Treasurer to ensure a smooth transition. The position was posted at \$5,000 or \$7,000 based on making the State deposit; the Board was still in favor of that salary. M. Raque will need to be sworn in by the Town Clerk. K. Anderson will notify the applicants.

3. Other Old Business

There was no other old business to discuss.

IV. NEW BUSINESS AND ADMINISTRATIVE

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

There was not a report to discuss.

2. Abatements

There was a corrected abatement from the meeting on Monday, February 19, 2018, to be signed (the map and lot were incorrect). The new abatement was for 12 Sage Lane in the amount of \$12 for the bonus room.

MOTION: J. Rolston moved to approve the corrected abatement in the amount of \$2,594. Second – C. Hussey; all in favor. MOTION CARRIED

MOTION: J. Rolston moved to approve the abatement for 12 Sage Lane in the amount of \$12. Second – C. Hussey; all in favor. MOTION CARRIED

The deadline for 2017 abatements was March 01, 2018. Three were received in the mail and postmarked prior to the deadline date; the assessing rule allows for a March 01 postmark.

3. Approval of Temporary Storage Units

K. Anderson explained that the Board of Selectmen approved temporary storage units. The Building Inspector approved a permit for 437 Portsmouth Avenue (location of the recent fire) for two 40' shipping containers. She requested that the Board authorize the Building Inspector to sign these types of permits during the reconstruction. Another storage unit may be requested when the rear building is rebuilt. P. Sanderson stated that he didn't have a problem with up to three temporary storage units.

MOTION: P. Sanderson moved to approve the permit for the two 40' temporary storage units at 437 Portsmouth Avenue. Second – C. Deorocki; all in favor. MOTION CARRIED

4. Recognition Program

J. Rolston would like to establish a Recognition Program for citizens who do something of merit (examples: Eagle Scout project, Greenland Spelling Bee champ). He suggested a general certificate signed by the Board of Selectmen Chairman could be given to recognize an accomplishment. He felt it was important that youths be recognized. K. Anderson added that she can draft a proclamation citation for the Board to sign. The Board was agreement it was a good idea.

5. Other New Business

K. Anderson noted the Building Inspector provided the Board with information regarding perambulation. He was looking at the Stratham/Greenland boundary as part of a project. The boundary hasn't been perambulated in many years. K. Anderson suggested he contact the DPW or Building Inspector in Stratham to work together and walk the boundary line, then submit his findings to the Board of

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Selectmen for signatures. P. Sanderson added there was some discussion to repeal the law, but it wasn't repealed by the Legislature.

C. Deorocki asked if roads should be posted for frost heaves. K. Anderson responded that it hasn't been done in the past. C. Deorocki stated posting the road for heavy limits could extend the life of the road by 10% to 20%. Many towns post roads from March 01 through May 01. P. Sanderson didn't think there were any roads that may be at risk. The Road Agent will be asked to research further. There was a question from the audience regarding who would enforce heavy limits.

Ballots and the machine were tested earlier in the day. K. Anderson reminded Selectmen they needed to be present at some point during the day. C. Penacho added that three Selectmen needed to be present throughout the day.

V. ACCOUNTS PAYABLE – THURSDAY, MARCH 08, 2018

1. Payroll Manifest 05

MOTION: C. Deorocki moved to approve Payroll Manifest 05 in the amount of \$52,801.60. Second – P. Sanderson; all in favor. MOTION CARRIED

2. General Fund Manifest 05

MOTION: C. Hussey moved to approve General Fund Manifest 05 in the amount of \$132,142.58. Second – J. Rolston; all in favor. MOTION CARRIED

3. Ambulance Special Revenue Fund Manifest 02

MOTION: J. Rolston moved to approve Ambulance Special Revenue Fund Manifest 02 in the amount of \$3,000. Second – C. Hussey; all in favor. MOTION CARRIED

4. Fire/Safety Manifest 02

MOTION: C. Deorocki moved to approve Fire/Safety Manifest 02 in the amount of \$123.80. Second – J. Rolston; all in favor. MOTION CARRIED

VI. ADJOURNMENT

MOTION: C. Hussey moved to adjourn at 7:50 p.m. Second – J. Rolston; all in favor. MOTION CARRIED

NEXT MEETING

Monday, March 19, 2018 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: