



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, January 07, 2019 – 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; it was announced a quorum was present and the meeting was being recorded.

I. APPOINTMENT

1. Recreation Committee Appointment – Jeff McNally

Jeff McNally, 54 Maple Drive, requested to be appointed to the Recreation Committee. His Application for Appointment is on file.

MOTION: P. Sanderson moved to appoint Jeff McNally to the Recreation Committee, appointment to end March 2022. Second – J. Rolston; all in favor. MOTION CARRIED

2. Town Administrator Recruitment Update – Alan Gould, Municipal Resources Inc.

Alan Gould, Municipal Resources Inc., explained that MRI has been in business for 30 years. They do interim placements and recruitments for municipalities throughout New England; MRI also prepared the assessment report for the Fire Department.

The Town Administrator position recruitment closes on Monday, January 14, 2019. At this time, there are 20 candidates, four or five of which are “keepers”. A. Gould explained that it’s tough to fill this type of position. If MRI or the Board felt there were not any qualified candidates, the position would be re-posted. Community and employee interview panels were discussed. A. Gould suggested that the Board handle the interview process. He would be more than happy to talk to department heads, staff and members of the community. An email address has been established for the community and/or employees to submit concerns and suggestions; it will be posted on the Town website and Face Book page (greenlandtarecruitment@mrigov.com). A. Gould encouraged the Board of Selectmen to contact him to discuss any concerns they may have as well as the challenges the new Town Administrator may face.

The application deadline is Monday, January 14, 2019. Five essay questions, based on input from the Board, will be sent to the top candidates. After scoring the responses, a preliminary background check will be done. A follow-up phone call will be done by A. Gould for further vetting and understanding of the salary. Three to five candidates will be forwarded to the Board for the interview process. A. Gould

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would encourage the Board to interview who he considered the perfect candidate, if possible. If he felt there weren't acceptable candidates, he would suggest the Board re-post the position; it's unusual this would happen.

Chair Morgan recommended that Board members contact A. Gould within the next week.

The interim Town Administrator position was discussed. Chair Morgan stated that K. Anderson is willing to act at the interim Town Administrator. Chair Morgan felt that would be the best move to make. K. Anderson clarified that the position would be on a part-time basis: Tuesday's and Thursday's as well as Board of Selectmen meetings and Deliberative Session. She would be considered a part-time temporary employee with no benefits and a maximum of 30 hours per week. P. Sanderson explained there was a difference between an independent contractor vs. part-time employee; as a part-time employee, K. Anderson can remain indemnified without extra expenses to anyone for insurance. After discussion regarding wages, the hourly rate will be \$40 per hour.

MOTION: J. Rolston moved to set the hourly rate for Karen Anderson as the part-time interim Town Administrator at \$40 per hour. Second – P. Sanderson; all in favor. MOTION CARRIED

II. APPROVAL OF MINUTES

1. Monday, December 10, 2018

MOTION: C. Deorocki moved to approve the minutes of Monday, December 10, 2018. Second – P. Sanderson; all in favor. MOTION CARRIED

2. Monday, December 24, 2018

MOTION: C. Deorocki moved to approve the minutes of Monday, December 24, 2018. Second – C. Hussey; three in favor, two abstain (J. Rolston, P. Sanderson). MOTION CARRIED

III. OLD BUSINESS

1. Coakley Update

The City of Portsmouth and Underwood Engineers postponed their presentation to the Selectmen about the water line on Breakfast Hill Road to a later date (*note: they will be at the next meeting on Monday, January 21, 2019*). The City Council asked for more information before making the presentation to Greenland. They are aware it's too late for the Selectmen to consider a warrant article for this year to continue the engineering or other work on the water line.

DES has proposed new guidelines for PFOA and PFOS; a public hearing process is needed before confirmation. A PFOA level of 38 ppt is recommended (the current is 70 ppt); to date there are no residences in Greenland that have tested over 38 ppt. A combined level of PFOA and PFOS of 70 ppt is being recommended.

Dennis Malloy, Van Etten Drive, asked if the guidelines were for private wells or public water. K. Anderson responded that those are drinking water standards and would affect both. P. Sanderson added they're being proposed as administrative rules; the process will take at least six months before being adopted.

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P. Sanderson assured those present that Greenland is still being discussed at the Drinking Water/Ground Water Commission.

2. Review: Warrant Articles

The order of the draft warrant articles was based on monetary value; non-money articles were at the end. The Selectmen could change the order other than the bond and operating budget. P. Sanderson requested the Undesignated Fund Balance be discussed to determine if any of those funds could be used for the warrant articles.

Using round figures K. Anderson stated the balance was \$1.8 million as of December 31, 2018. The Board voted from fund balance in 2018 to use \$273,000 for deposits into various CRF's and \$150,000 to reduce the 2018 tax rate; the remaining balance was \$1.4 million. The estimated 2018 surplus was \$319,000 and no excess revenues; the estimated Undesignated Fund Balance as of December 31, 2018 was \$1.7 million. K. Anderson suggested that \$250,000 would be a safe figure to use from the Undesignated Fund Balance.

- Article 2 – Fire Department Bond
- Article 3 – Operating Budget
- Article 4 – School Resource Officer: Taxation
- Article 5 – Fire Station Siding and Windows: Fund Balance
- Article 6 – Purchase of Safety Gear for Fire Department: Ambulance Special Revenue Fund
- Article 7 – Full-time Grounds Keeper Position: Taxation
- Article 8 – LED Lighting Conversion: Taxation
- Article 9 – Conservation Commission Activities: Taxation
- Article 10 – Police Station Maintenance Capital Reserve Fund: Fund Balance
- Article 11 – Ambulance Billing (increase to \$4,500): Fire and Ambulance Special Revenue Fund
- Article 12 – Police Equipment Capital Reserve Fund: Taxation
- Article 13 – Road Improvement Capital Reserve Fund (\$50,000): Fund Balance; \$125,000 set aside to offset taxes from Fund Balance
- Article 14 – Optional Disabled Veterans Credit: Non-money
- Article 15 – Optional Disabled Veterans Credit: Non-money
- Article 16 – Solar Energy Exemption: Non-money
- Article 17 – Tax Impact from Warrant Articles Included on Ballot*: Non-Money

*K. Anderson explained this must be approved at Town Meeting vote. If passed, effective in 2020, the tax impact from warrant articles would be included on the ballot.

MOTION: P. Sanderson moved to include the proposed language for the tax impact to be included on the ballot as a warrant article. Second – C. Hussey; all in favor. MOTION CARRIED

3. Rail Trail Agreement

Scott Bogle, Senior Transportation Planner with the Rockingham Planning Commission, addressed the Board to discuss the benefits of the Rail Trail. K. Anderson explained that the biggest change since last summer is that the State of New Hampshire is applying for a CMAQ Grant, which is guaranteed as long as four towns agree to the maintenance agreement. Greenland would not have to contribute a large amount of money to develop the rail trail. It would be built by the State of New Hampshire; routine maintenance on Greenland's portion of the trail would be the Town's responsibility. Routine

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maintenance would include weed and brush control, cleaning ditches, unblocking/maintaining culverts, cleaning graffiti, maintaining signage, trash and debris removal, trail surfacing (filling in ruts), etc. Greenland wouldn't own the property and there would not be an added insurance cost; ownership would be retained by the State of New Hampshire.

S. Bogle stated the RPC has been involved with this project for 10 years. They have received a grant from the National Park Service for a conceptual design and implementation plan for the New Hampshire section of the East Coast Greenway. The Greenway is envisioned as a non-motorized 3,000 mile path from Calais, Maine to Key West, Florida. The trail has been developed in several Massachusetts communities and should be completed at the New Hampshire border next year. S. Bogle explained development of the trail in New Hampshire. DOT has an agreement with PanAm Rail Road in principle, but before they commit want to be sure they have partners with the towns to do routine maintenance. DOT doesn't have staff or funding for routine maintenance. The department would step in for storm related washout or major repair along the corridor.

S. Bogle explained that construction would be done by DOT; towns signing the contract are agreeing they will be responsible for routine maintenance. He continued that in New Hampshire maintenance is normally done by volunteer groups. RPC has had a regional advisory committee working on this project. They are in the process of establishing a regional non-profit NH Greenway Alliance that would provide funding for development to construct a section from Exeter to Seabrook. They would also be the organizing entity for the volunteer work.

There's approximately 1 mile of the trail in Greenland. The "rule of thumb" is \$1,000 per mile for maintenance using public works staff; volunteers doing the bulk of maintenance work would lower the cost. Chair Morgan suggested including it under the Conservation Commission. Four towns are needed to commit to the maintenance: Portsmouth, Greenland, Rye, North Hampton and Hampton. P. Sanderson questioned who would bear the expense of emergency response on the trail. S. Bogle responded that each town would bear the cost. He felt there would be less enforcement need on a trail that was developed as opposed to an abandoned trail right-of-way.

DOT has asked for a deadline of January 15, 2019; S. Bogle felt the end of the month would be adequate. C. Hussey stated he would like further discussion with the Board; he was concerned about the trail abutting the Super Fund site. He wanted people to understand that the water around the site was contaminated. K. Anderson has spoken to the Commissioner regarding those concerns; she requested it be fenced and protected from the landfill. S. Bogle noted the Commissioner has agreed with that request. If all the towns don't agree, DOT will not pursue the purchase with PanAm.

MOTION: J. Rolston moved to approve signing the Rail Trail Agreement. Second – C. Deorocki; four in favor, one abstain (C. Hussey). MOTION CARRIED

Marcia McLaughlin, Nantucket Place: Stated that even though the Conservation Commission was mentioned to do the maintenance, there were other committees in Town. She suggested creating a Rail Trail Committee; Chair Morgan responded that her point was well taken. S. Bogle added that many companies sponsor a day of clean-up as another option.

4. Liaison Reports

- Rec Committee: C. Deorocki reported that Pickle Ball has exploded and there are waiting lists. The Committee is looking into lining a basketball court at the School for Pickle Ball. P. Hayden suggested

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adding a Pickle Ball court to the Town-owned land at Falls Way. P. Sanderson suggested contacting the Homeowners Association.

- Library: J. Rolston reported that the Library Trustees were working to move forward.

5. Other Old Business

P. Sanderson, referring to the School \$1.4 million Energy Project warrant article, explained why there may be a problem. K. Anderson stated that the language for renovations and a new boiler was written to a total appropriation to authorize the School Board to enter into a lease of up to 20 years. She notified the School Department that it was not worded correctly and provided DRA wording. K. Anderson explained the bond process and that the maximum for a lease that doesn't have an escape clause is five years. P. Sanderson agreed with the Town Administrator that there was a procedural problem with the warrant article. He recommended that the Budget Committee address the issue at their meeting. John Penacho, Tidewater Farm Road and Budget Committee member, stated he has reviewed the warrant article. He didn't understand why they were leasing because interest and fees would still have to be paid; it's the same as a bond.

K. Anderson clarified that the Budget Committee could not vote to recommend/not recommend warrant articles until after the public hearing. This will be done at the conclusion of the public hearing on Thursday, January 10, 2019.

IV. NEW BUSINESS AND ADMINISTRATIVE

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

- The equalization rate for 2018 has been set at 95.8% by DRA. The equalization rate is based on sales through September 01, 2018. Values in Greenland are continuing to increase.
- Revaluation: The Department of Revenue recently spent the day in the Town Offices reviewing residential and commercial Property Assessment Manuals which are required as part of the revaluation process. DRA has completed their review; Greenland passed and is good for another five years.
- Worker's Comp: An injury report was recently filed for an employee with a potential exposure injury; there was no loss of time.
- Donations: Three very generous residents assisted four different families with Christmas. Greenland is very fortunate to have residents reach out to help those in need.

2. Veterans Credit

The resident at 61 Bayside Road (Map R17, 9) qualifies for the All Veterans Tax Credit in the amount of \$500. He qualifies based on years served and NH residency.

MOTION: J. Rolston moved to approve the All Veterans Tax Credit in the amount of \$500 for the resident at 61 Bayside Road, effective April 01, 2019. Second – C. Deorocki; all in favor. MOTION CARRIED

3. Current Use Release

The residents at 2 Osprey Cove have subdivided their larger lot through the Planning Board. One parcel will be 1.38 acres; the remaining parcel will be 17.24 acres. Osprey Cove was not renumbered as part of the 911 change to Bayridge; numbering will be 2 and 2A Osprey Cove.

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MOTION: C. Hussey moved to approve the current use release of 1.38 acres in the amount of \$17,400 for 2 Osprey Cove. Second – P. Sanderson; all in favor. MOTION CARRIED

4. Conservation Restriction: 681-683 Post Road

This is for the property located at 681-683 Post Road; it is presently in current use. The property owners would like to grant the Town a conservation restriction so the land abutting I-95 cannot be developed. The Town has not received a deeded conservation easement from the property owner. This is not in the same area discussed at a previous Selectmen's meeting.

P. Sanderson stated it was dependent on the terms of the conservation easement and who is chosen to hold the reversionary interest. K. Anderson responded that the plan was for the Town of Greenland; the land was to be kept in its natural state with no maintenance. P. Sanderson stated that would require monitoring and an annual expense. Most towns don't do this type of conservation easement and have a third party monitor.

MOTION: P. Sanderson moved to table the conservation easement of 13.3 acres located at 681-683 Post Road until the proposed easement language was available. Second – J. Rolston; all in favor. MOTION CARRIED

5. Other New Business

- C. Hussey requested that department heads notify Board members when they will be out.
- 911 Address Changes: The bus company and school will be notified of 911 address changes. The next round will be Maple Drive and Maple Drive Extension on Monday, February 04, 2019.
- Budget Meeting Dates: Tuesday, January 08, 2019 (Budget Committee Meeting) and Thursday, January 10, 2019 (Budget and Bond Public Hearings).
- 300th Anniversary Banners will be hung soon.

V. ACCOUNTS PAYABLE – THURSDAY, JANUARY 10, 2019

1. Payroll Manifest 01

MOTION: J. Rolston moved to approve Payroll Manifest 01 in the amount of \$78,303.83. Second – C. Deorocki; all in favor. MOTION CARRIED

The severance package for K. Anderson is included in this manifest.

2. General Fund Manifest 01

MOTION: J. Rolston moved to approve General Fund Manifest 01 in the amount of \$552,019.17 (School - \$350,000; Library - \$73,379.50). Second – P. Sanderson; all in favor. MOTION CARRIED

3. Capital Fund - Library Manifest 01

K. Anderson noted the Library Trustees have requested the amount be taken from the bond. At P. Sanderson's request K. Anderson reviewed the accounting procedure used. The Capital Reserve Account was established for the Library expansion; the Library Trustees and Board of Selectmen are the agents to expend. The Board was incorrect in its consensus vote to take all payments from the Capital

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Reserve Fund first before using bond proceeds; authority wasn't requested from the Library Trustees as co-agents to expend. If the project moves forward as designed, proceeds from both funds will be used. If the project stalls for any reason, having funds available in the Capital Reserve Fund would make sense. M. McLaughlin stated the Trustees requested the bills on the manifest be paid through the bond; they have not voted to use the Capital Reserve Fund.

MOTION: J. Rolston moved to expend the funds from the bond proceeds in the amount of \$10,001.96 as requested by the Library Trustees. Second – C. Hussey

M. McLaughlin stated that it was always the Trustee's intention that the Capital Reserve Fund would be used until the money from the bond was available, and then the bond proceeds would be spent. This was also the expectation of the bond provider, Optima Bank. The Trustees thought that was reasonable, if for any reason, the bond proceeds would have to go back if they weren't used within the three year period. P. Sanderson said that the authorization is for five years. M. McLaughlin responded that the bond stipulates three years. P. Sanderson said that the lender may have something different than State law. K. Anderson explained that once the bond is issued you have three years to spend the bond or to be at substantial completion.

Don Miller stated that there is a Capital Reserve Fund of close to \$600,000 and the Library Trustees want to ask taxpayers to spend funds from the bond for the same project. They are asking the taxpayers to pay bills while the Trustees keep their savings account in case something goes wrong. K. Anderson responded that the estimate to build the addition is \$3.5 million; the bond plus the CRF combined will cover that cost and there shouldn't be any money left over. D. Miller said that at this time there are some issues that may slow or stop this project.

M. McLaughlin asked what the Board's reasons were for the consensus to spend the CRF first. Chair Morgan said that it just made sense to the Board to use the money that was set aside first. Logically, you could also say leave that money in the CRF which we are earning interest on and use the bond money that we are paying interest on first. He said if he were to really think about it, he would say use the money in the bond first. P. Sanderson said that at the time he felt that the CRF should be used first; why would the Town use borrowed money when, in fact, we have CRF available to us. He said he wasn't persuaded that we should be using borrowed money yet.

If the bond is not used within 3 years, could the bank call the bond back? K. Anderson stated if the bond is not used within three years, the bank could challenge the arbitrage laws that we had borrowed money to make money. C. Hussey asked what the penalty would be. P. Sanderson said that you would just be paying back the principal and interest; there is no penalty that he was aware of. C. Deorocki said that for the record, his opinion had not changed. It is a judgment call, and he looks at it simply: two pockets of money, one with a lot of money and one with a little bit of money. Spend the smaller amount of money first.

Dane Peters, Cushman Way: Using bond money that was approved by residents for the project incentivizes the Town and Library Trustees to complete the job. C. Deorocki responded it didn't make it go any faster or slower and didn't change his opinion. The Town was invested in the project, engineering money has been spent, and all the money would be spent. He wanted to spend the little pile before breaking into the big pile. He was not bending.

Chair Morgan stated he wasn't signing anything else due to safety concerns of the Building Inspector, Fire Chief, Police Chief and Planning Board. He'll sign if all parties agree safety concerns have been

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addressed. D. Peters stated the current building is not safe now. Chair Morgan responded that the Building Inspector could very easily shut the Library down now, but the Board won't do that.

Craig McLaughlin, Building Committee Chairman, stated the Library Trustees will meet with the Planning Board and all concerned parties as soon as possible. They will prove in every instance the new design is safer than the existing building. They have responded to the Town's 53 points, understanding none of those are binding. They are responding to Town regulations which do not apply to a municipal building. The Building Inspector's list is 82 items. C. McLaughlin stated they are doing their best. This building will be safer. They will schedule a meeting with the Planning Board. The feedback from the State is that the design is safe. Chair Morgan recommended it be in writing and brought to the Planning Board meeting. C. McLaughlin stated they have satisfied the Planning Board requirement. *(Note: The Library Trustees are scheduled for the Planning Board meeting on Thursday, February 07, 2019.)*

J. Rolston asked his fellow Board members to approve the expenditure. It's not costing any money and it's what the Trustees want; give them something. C. Deorocki stated he was not waivering.

MOTION: J. Rolston moved to expend the funds from the bond proceeds in the amount of \$10,001.96 as requested by the Library Trustees. Second – C. Hussey; one in favor, four opposed. MOTION FAILED

MOTION: P. Sanderson moved to expend the funds from the Capital Reserve Fund in the amount of \$10,001.96. Second – C. Deorocki

C. McLaughlin stated that in discussions with Optima, who he understands is still holding the bond, there are certain expectations they have on a rate of expenditure. From a project standpoint, he does not want to be in a position that they are claiming we have not lived up to the expectations on the expenditures of the bond and have them considering pulling the funding. The Board of Selectmen would have to go through the process again if the funding is interrupted midway. P. Sanderson asked if there is a schedule they are looking at. C. McLaughlin responded that they are in the bond document. P. Sanderson stated he had never seen that. He continued: what you are asking is that we disburse in accordance with that schedule and that is a reasonable request. C. McLaughlin stated that there are rates of expenditures of the bond from the bank. P. Sanderson responded that if that is a fact, it is important and asked what that expectation was. C. McLaughlin didn't have the document with him but recalled that it dealt with arbitrage and talks about certain thresholds of 3 years and one at 18 months; there may be one even earlier than that.

M. McLaughlin added that the Trustees have already voted to have those bills from the bond and have not voted to take them from the Capital Reserve Fund. Chair Morgan asked if the Board said Capital Reserve Fund would they have to go back to the Trustees for a vote. M. McLaughlin responded they would.

P. Sanderson reviewed the bond document and stated that page 3, paragraph 6, indicates that they can invest their gross proceeds but have to spend 85% of the proceeds within three years and within 6 months of issue, 5% of the proceeds must be spent. That's approximately \$150,000 within six months; the bond was taken out last October, so it has to be done by April. Now that the facts are available, if \$150,000 isn't spent there would be a problem. We have never gone over that in detail and it is a key fact. Due to this information, P. Sanderson stated he would change his mind; this is a real project. J. Rolston said that we did have that information but didn't go over it in detail.

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MOTION: J. Rolston moved to expend the funds from the bond proceeds in the amount of \$10,001.96 as requested by the Library Trustees based on the new information available. Second – C. Hussey; four in favor, one opposed (V. Morgan). MOTION CARRIED

P. Sanderson thanked K. Anderson for her service, appreciated what she has done for the Town and wished her the very best in the future for whatever the new endeavor may be.

VI. ADJOURNMENT

MOTION: C. Hussey moved to adjourn at 8:47 p.m. Second – J. Rolston; all in favor. MOTION CARRIED

NEXT MEETING

Monday, January 21, 2019 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: 