



**BOARD OF SELECTMEN**  
**Town of Greenland • Greenland, NH 03840**  
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**MINUTES OF THE BOARD OF SELECTMEN**

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Monday, February 04, 2019 – 7:30 p.m. – Multi-Purpose Room, Greenland School

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

*Also Present:* Karen Anderson –Town Administrator, E-911 Committee Members: Tara Laurent – Police Chief, Ralph Cresta – Fire Chief, Kenny-Lynn Dempsey – E-911 Representative

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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. Dawn Sawyer: Chief Maloney Unity Run

The 8<sup>th</sup> Annual Chief Maloney Unity Run will be held on Sunday, April 28, 2019 starting at the Stratham Police Department and ending at the Greenland Town Hall. The Committee has requested the use of 11-16 Town Square for the race and post-race events. Insurance will be through the same company as in the past.

MOTION: J. Rolston moved to approve the request for the use of 11-16 Town Square for the Chief Maloney Unity Run and post-race events on Sunday, April 28, 2019. Second – C. Deorocki; all in favor. MOTION CARRIED

2. Amy Bauer: Town Report Cover

Residents were asked to submit pictures of Greenland for the Town Report cover. Amy Bauer, Deputy Town Clerk, received several pictures. After reviewing the cover samples provided by A. Bauer, the Board selected the collage of outdoor scenes.

**II. PUBLIC HEARING**

1. Acceptance of Donation to Police Department

Advanced Concrete Technologies, Inc. (309 Portsmouth Avenue) made a \$1,000 donation to the Police Department to be use where needed.

MOTION: C. Hussey moved to approve the \$1,000 donation to the Greenland Police Department from Advanced Concrete Technologies, Inc. Second – J. Rolston; all in favor. MOTION CARRIED

## DRAFT: SUBJECT TO CHANGE

### 2. E-911: Renaming and Renumbering Roads (RSA 231:133 and RSA 231:133-a)

The E-911 Committee has recommended that Maple Drive and Maple Drive Extension be assigned new street names and/or numbers. The Board received suggested number changes from the Committee. Every resident affected by the changes received an informational packet, citing the appropriate RSA's and explaining the reason for those changes.

Chair Morgan deferred to Chief Laurent before opening the public hearing. Chief Laurent stated that the Town has been going through E-911 changes for approximately four years. These changes are based on 911 standardizations that are accepted across the country. Numbering is done in 50' increments.

Chair Morgan opened the public hearing at 7:38 p.m. Chief Laurent was asked by Ed Helmbrecht, 8 Maple Drive, why 40+ homes on Maple Drive would be inconvenienced rather than the four homes located on Maple Drive Extension. He also questioned the 50' increments when numbering; Chief Laurent explained that it wasn't about property lines but rather the distance from the road to the driveway location. Chief Laurent stated that renaming the roads was not meant to inconvenience; it was meant to follow standardization. E. Helmbrecht understood the justification but felt they needed to consider the human aspect of everyone in the room. Chief Laurent responded that the other part of the human aspect is someone responding to an emergency; it wasn't just a robot, it was the human aspect. She agreed the inconvenience was awful; it wasn't easy to go through an address change. Chief Laurent explained that the standardization was based on emergency services responding to calls.

Other concerns were the driveway locations for 5 and 7 Maple Drive as well as 35 and 37 Maple Drive resulting in adjoined units having different street names. Chief Laurent explained the reason for the E-911 changes: it may save a second; it may save a minute to some addresses. If it saves one life in ten years, it was worth it to her. K. Dempsey explained that addressing was done based on which way the building faces, and those addresses were a special set of circumstances. The duplexes in question will be renamed and renumbered according to which street their driveway is on.

After much further discussion, it was recommended that the "yellow" road on the diagram remain Maple Drive and the "blue" horseshoe be renamed. Changes will become effective Tuesday, June 04, 2019. Residents on Maple Drive and Maple Drive Extension will receive informational packets prior to the change taking place.

MOTION: C. Hussey moved that the "yellow" road remain Maple Drive. Second – J. Rolston; all in favor.  
MOTION CARRIED

Chair Morgan closed the public hearing at 8:30 p.m. The next E-911 public hearing will be on Monday, February 18, 2019.

### 3. 3<sup>rd</sup> Annual Half Marathon Road Race

Chief Laurent told the Board that LOCO Sports has requested permission to hold the 3<sup>rd</sup> Annual Half Marathon Road Race on Sunday, May 05, 2019. The race is conducted with Mercedes-Benz of Portsmouth and will support Girls on the Run – NH. No roads will be closed and there will be minor inconvenience to traffic. The event will have a \$1 million policy that applies per person, per occurrence. The Town of Greenland will be added to the policy as an additional insured. A 5-K will be added this year. There will be a beer tent. They have been in contact with the Police Department.

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MOTION: C. Deorocki moved to approve the 3<sup>rd</sup> Annual Half Marathon Road Race to be held on Sunday, May 05, 2019. Second – C. Hussey; all in favor. MOTION CARRIED

### III. APPROVAL OF MINUTES

#### 1. Monday, January 21, 2019

MOTION: P. Sanderson moved to approve the minutes of Monday, January 21, 2019. Second – C. Deorocki; four in favor, one abstain (C. Hussey). MOTION CARRIED

### IV. OLD BUSINESS

#### 1. Coakley Update

There was no Coakley update.

#### 2. Current Use Release: 2 Osprey Cove

P. Sanderson was correct with this lot regarding the current use release. The owners transferred 18 acres and retained two. Current use change tax will be issued when they have broken ground.

MOTION: P. Sanderson moved to withdraw the warrant for the Land Use Change Tax issued on January 07, 2019 for 2 Osprey Cove (Map R12, 26F). Second – J. Rolston; all in favor. MOTION CARRIED

#### 3. Liaison Reports

There were no liaison reports.

#### 4. Other Old Business

There was no “Other Old Business” to discuss.

### V. NEW BUSINESS AND ADMINISTRATIVE

#### 1. Review of Town Administrator’s Bi-Weekly Report

There was no Town Administrator’s report.

#### 2. Request to Waive Tax Bill Interest

K. Anderson explained that the property address is 280 and 280A Bayside Road. The residence was originally purchased as a duplex. The current owner went to the Planning Board in March of 2018 to have it subdivided into two units, creating a condominium. It happened prior to April 01, 2018; the tax records show two units. Each unit is for sale individually. The owner didn’t notify his mortgage company; the company wasn’t aware there were two units and the taxes weren’t paid. The owner recently became aware that the taxes for 280A weren’t paid. The Tax Collector has sent monthly reminders that tax bills haven’t been paid; those bills were not returned to her as undeliverable. The property owner is requesting a waiver of the interest due on January 29, 2019 (\$165.19). The Tax Collector has reviewed the request and recommended not approving waiving the interest.

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J. Rolston noted the property owner is the Vice President of Lending Market Leader, City National Bank in Sarasota, Florida. J. Rolston felt the property owner should be more aware and concurred with the Tax Collector to not waive the interest.

MOTION: J. Rolston moved to not approve the request from the property owner at 280A Bayside Road to waive the interest on his tax bill. Second – P. Sanderson; all in favor. MOTION CARRIED

### 3. Abatements

- Map R14, 18 – 678 Bayside Road, recommended by assessor based on seasonal use and condition of camps; abatement of \$1,563

MOTION: C. Hussey moved to approve the abatement for Map R14, 18 (678 Bayside Road) in the amount of \$1,563. Second – J. Rolston; all in favor. MOTION CARRIED

- Map R14, 18B – 670 Bayside Road, recommended by assessor based on there is no heat on the second floor; abatement of \$361

MOTION: C. Hussey moved to approve the abatement for Map R14, 18B (670 Bayside Road) in the amount of \$361. Second – J. Rolston; all in favor. MOTION CARRIED

- Map R13, 9 – 00 Liam's Court, recommended by assessor based on land that is undevelopable; abatement of \$793

MOTION: C. Hussey moved to approve the abatement for Map R13, 9 (00 Liam's Court) in the amount of \$793. Second – J. Rolston; all in favor. MOTION CARRIED

- Map U7, 10CL – 28 Cherry Hill Drive, not recommended by the assessor; resident is requesting an abatement of \$500 for Veterans Credit; he didn't apply prior to the April 01 deadline

MOTION: P. Sanderson moved to deny the abatement for Map U7, 10CL (28 Cherry Hill Drive) in the amount of \$500. Second – J. Rolston; all in favor. MOTION CARRIED

Chair Morgan noted that the assessor cautioned not to set a precedence of good cause under RSA 276:16. K. Anderson added that the April 01 deadline must be "hard and fast".

### 4. Elderly Exemption

An elderly exemption has been requested by the resident at 60 Hillside Drive. She qualifies based on residency, age and income/expenses.

MOTION: P. Sanderson moved to approve the elderly exemption as requested by the resident at 60 Hillside Drive. Second – C. Deorocki; all in favor. MOTION CARRIED

### 5. Bond Release Request: Bramber Valley Age Restricted Housing

This item has been continued to the meeting on Monday, February 18, 2019.

6. Other New Business

P. Sanderson was contacted by the resident at 8 Fairway Drive who is having a drainage problem. Water is collecting next to her driveway and is not draining into the middle of the cul-de-sac. It may be a problem in the Town's right-of-way. P. Sanderson asked the issue be referred to the Road Agent and report back to the Board on Monday, February 18, 2019 with a recommendation for corrective action and who he thinks is responsible. P. Sanderson will relay the information to the Road Agent.

An Intent to Cut was filed earlier in the day for the property at Smith Farm on Newington Road. Upon completion, the logger will send the Town the Report of Cut which will be used for tax assessment. The property is in current use: one is farm land, the other is unmanaged. It qualifies for an Intent to Cut because is not under the category of "unproductive".

MOTION: J. Rolston moved to approve the Intent to Cut for Map R22, 15 (the Smith Farm on Newington Road). Second – C. Deorocki; all in favor. MOTION CARRIED

Marcia McLaughlin, Library Trustee Chairman, told Chair Morgan they had both received an email from Attorney Loughlin with documents for filing the *Cy Pres* petition. The Library Trustees will be meeting next week to discuss what has been proposed. M. McLaughlin requested the Selectmen review before their next meeting so the Board and Trustees can work together to get it filed. P. Sanderson stated he looked through the petition very briefly at Deliberative Session. Permits are required from the Department of Transportation and Department of Environmental Services. It was his understanding that both are requesting a conveyance of property interest easements. P. Sanderson didn't notice in the request for *Cy Pres* any approval that would be given to the Trustees or the Selectmen to execute those property interests if they were needed for the permits. He suggested it would be an issue to bring up to Attorney Loughlin for his opinion. P. Sanderson continued that it appeared neither the Trustees and Selectmen would have been given permission to execute any property interest exchanges with the Church (easements). It would be an easement allowing transportation over their property and the Library property for the transportation part. In addition, an easement for them to discharge surface waste in the septic system and for the Town to allow the same; those would be the deeded property interests. M. McLaughlin will check with Attorney Loughlin.

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| VI. ACCOUNTS PAYABLE – THURSDAY, FEBRUARY 07, 2019 |
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1. Payroll Manifest 02A

MOTION: C. Hussey moved to approve Payroll Manifest 02A in the amount of \$1,232.34. Second – J. Rolston; all in favor. MOTION CARRIED

2. Payroll Manifest 03

MOTION: J. Rolston moved to approve Payroll Manifest 03 in the amount of \$56,113.43. Second – C. Hussey; all in favor. MOTION CARRIED

3. General Fund Manifest 03

MOTION: C. Hussey moved to approve General Fund Manifest 02 in the amount of \$659,488.55 (School - \$480,000). Second – J. Rolston; all in favor. MOTION CARRIED

VII. NON-PUBLIC

1. Litigation [RSA 91-A:3, II(e)]

MOTION: J. Rolston moved to enter into non-public session at 8:50 p.m. Roll call vote; all in favor.  
MOTION CARRIED

MOTION: J. Rolston moved to return to public session at 9:00 p.m. Roll call vote; all in favor. MOTION CARRIED

VIII. OTHER BUSINESS

C. Deorocki questioned the Property Maintenance Supervisor plowing all night during a recent snowstorm. He stated that it was pretty clear in the contract that Town personnel would be available 7 a.m. to 3 p.m., normal business hours unless needed. K. Anderson noted that if it was a Wednesday, that was a dump day; it didn't matter to C. Deorocki. There are big trucks out there and it's the same argument he's had since he's been here. P. Sanderson asked for the purpose of payroll did he actually work the hours. K. Anderson responded that he's salaried exempt. C. Deorocki stated it wasn't about money. P. Sanderson added that he was there for that amount of time; C. Deorocki was aware of that and wanted to know why. He questioned why he was out there at midnight. There was no need of that; it states it right in the contract "Town employee is available normal business hours basically 7 a.m. to 3 p.m.". C. Deorocki continued if he needs to read the contract and sign it, he'd appreciate that. P. Sanderson will ask him the question when he contacts him on the other matter. C. Deorocki noted that the sidewalks are being snow-blown before the roads are plowed; it's ridiculous.

No motion was needed on the Weeks Library correspondence. It came in after the last meeting and was included in the packet because some Board members hadn't seen it; Chair Morgan gave the letter to K. Anderson the morning after the last meeting. The Trustees brought in the letter the night of the Board meeting. The Board had sent a letter to the Library Trustees asking them to reconsider the recent invoice be paid from the Capital Reserve Fund. The response back from the Trustees was "no"; in addition "no" to the two bills (Optima Bank and Bond Council). K. Anderson added that technically it's coming out of the Capital Fund (bond proceeds), but may have to go back to the General Fund if it's not authorized from the bond or CRF. K. Anderson had asked the Bookkeeper to hold the check for the current invoice until further notice. When K. Anderson came back to work on Tuesday, she was told the Bookkeeper had mailed the check. C. Deorocki questioned what fund the payment came out of; K. Anderson didn't know. He thought it may have come from the bond; Chair Morgan responded that nothing has come out of the bond. C. Deorocki disagreed. K. Anderson stated that if it came out of the CRF, the Board doesn't have authorization to take it from there; she didn't know what the Trustees of the Trust Fund would do. P. Sanderson stated that it was an accounting problem; the vendor has been paid. The question was which fund. C. Deorocki asked how it was authorized; didn't the Board decide to hold off until it was kicked back? K. Anderson responded "yes". C. Deorocki stated that something doesn't add up here; the Board said hold off, don't pay this, send it back to the Library Trustees, the Board wanted it out of the CRF. Somehow the checks were written out of the bond and authorized to be mailed. Chair Morgan stated that as far as he knew, the checks that were mailed came out of the CRF; nothing out of the bond. C. Deorocki stated "it can't be". K. Anderson stated that in the accounting records, that's how it shows. The only problem is that the Board of Selectmen alone does not have the authority to take it out of the Capital Reserve Fund without the Library Trustees consent. A letter was sent asking them to consent, and they responded "no". C. Deorocki stated at that point the bills had already been paid; something's wrong here. K. Anderson stated she wasn't here on that

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Monday. C. Deorocki asked if the Bookkeeper had the checks. K. Anderson responded that she had told the Bookkeeper to hold the checks until further notice. When she came in on Tuesday and told the Bookkeeper she still had to hold the checks, the response was "oh, I mailed them". C. Deorocki asked under whose authorization. K. Anderson responded "the Chairman's". Chair Morgan stated that the Board met and asked where the money was coming from; the Board voted to take it from the Capital Reserve Fund. C. Deorocki agreed; the Library Trustees said "no". The money shouldn't have been paid yet; it should still be sitting somewhere. C. Hussey stated that he thought initially it was coming from the Bond. C. Deorocki agreed, stating that was where the checks were written from. C. Deorocki asked who authorized the Bookkeeper to send the checks. Chair Morgan stated that the Board authorized her; C. Deorocki stated he didn't. K. Anderson added "no". Chair Morgan responded that the Board agreed the money was coming from the CRF. C. Deorocki stated that Chair Morgan was wrong; he was absolutely wrong. P. Sanderson stated that with regard to a potential dispute between the Selectmen and the Trustees, that was one set of issues. There would have been the potential of a dispute between the Town and the vendor. The vendor has been paid; that dispute is gone. The Board can now decide how the accounting should be done correctly. There is a dispute between the two Boards on this point. This is an accounting problem and the Board should calm down and move on. C. Deorocki stated a big mistake has been made here by this Board. P. Sanderson reiterated that at worst it's an accounting mistake. C. Deorocki stated he didn't think so; it was an authorization mistake. He thought the Bookkeeper was authorized to mail those checks; this Board asked to give it back to the Library. Until the Board got an answer from the Library, nothing should have been mailed. Who told the Bookkeeper to mail the check? Chair Morgan stated that his understanding was the Board authorized it at their meeting; that was his understanding. It was his understanding that the Board voted to take the money out of the CRF. C. Deorocki stated that the Bookkeeper was told not to mail the checks until further notice; so Monday morning she says further notice is over? She took the liberty on her own or somebody told her? He told Chair Morgan that he wanted an answer. Chair Morgan told C. Deorocki he didn't have to yell; C. Deorocki responded he wasn't yelling. He was going to start yelling; he thought he was being lied to right to his face. He didn't think he knew what he was talking about. P. Sanderson asked to please back it down. C. Deorocki again stated he didn't think Chair Morgan knew what he was talking about; he thought he was shady and slimy. P. Sanderson again reiterated it was an accounting problem between Town funds; the key was the vendor got paid. The Board would work it out somehow including, if necessary, the *Cy Pres* action if it gets filed; that would be a decision for a new Board. C. Deorocki made a comment to Chair Morgan that was unclear; Chair Morgan responded that he was entitled to his opinion. C. Deorocki: I am. K. Anderson added that she did not authorize her to send those checks. She told her to hold off based on this until further notice; she was told they had been mailed. The Bookkeeper had asked the Chairman should she mail the checks and was told "yes". K. Anderson added whether there was miscommunication somewhere, she stated the checks shouldn't have been mailed. Again, P. Sanderson stated it was an accounting problem and it could be worked out with the new Board and new Library Trustees.

C. Hussey reminded the Board they needed to discuss the interviews for the Town Administrator. J. Rolston will not be at the meeting on Monday, February 18, 2019; he will be away until the March meeting. All interviews will be done on Tuesday, February 19, 2019 beginning at 5:30 p.m. P. Sanderson stated he was willing to participate in the interview process but not the contract negotiations. Board members were given copies of the Town Administrator's contract as well as the Portsmouth City Manager and Deputy City Manager for comparison. He also recommended that Town Counsel be engaged to help in the negotiation process if a conditional contract were offered. Chair Morgan has spoken to Alan Gould, Municipal Resources Inc., regarding the interviews on Tuesday, February 19, 2019. J. Rolston will call in during the interviews. There are two to three candidates, possibly four.



## DRAFT: SUBJECT TO CHANGE

P. Sanderson noted that the Planning Board meeting will be Thursday evening, February 07, 2019, at 7 p.m. in the School Media Center/Library. The Library will be addressing safety concerns with the Planning Board, Police Chief, Fire Chief and Building Inspector.

P. Sanderson explained the *Cy Pres*. A charitable trust has terms that were put on the trust from 1880's and 1890's; they're not working right now. There needs to be some form of exchange where the Church gives up something and the Town gives up something; the Town doesn't have authority to do that without court intervention. It's the form of a lawsuit, but a friendly lawsuit. It's telling the court the charitable trust can't be done the way it needs to be done today; reform it to meet the needs of today by giving permission to do 'A, B, C, D and E'. It's termed *Cy Pres* which is a Latin term for modifying. Responding to a question from J. Rolston, P. Sanderson stated it's a one-time permission. Building materials were included in the draft. P. Sanderson stated that it didn't appear Attorney Loughlin was looking for permission for the Selectmen to convey interest to the Church or the Church to convey interest to the Town. Without those exchanges of interest, DOT and DES cannot grant permits because it's not permanent property interest. Nothing should be done with revocable licenses of this gravity and magnitude.

### IX. ADJOURNMENT

MOTION: C. Hussey moved to adjourn at 9:15 p.m. Second – J. Rolston; all in favor. MOTION CARRIED

### NEXT MEETING

Monday, February 18, 2019 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: 