



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

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

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

Members Absent: Jim Rolston

Also Present: Karen Anderson – Town Administrator, Tara Laurent – Police Chief, Paul Hayden – Road Agent

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. PUBLIC HEARING

1. E911: Renaming and Renumbering Roads (RSA 231:133 and RSA 231:133-a)

This was the second hearing for the renaming and renumbering of Maple Drive and Maple Drive Extension. At the meeting on Monday, February 04, 2019, the Board voted to keep the main road and extension as Maple Drive and rename the loop road. Chief Laurent and Kenny-Lynn Dempsey, E911 Representative, recommended renaming Maple Drive due to numbering issues.

Chair Morgan opened the public hearing. Chief Laurent reviewed the numbering and explained that the residences at the corners of Maple Drive would be numbered by driveway placement rather than the road the building faced. She recommended moving forward with the numbering.

John Pacheco, 62 Maple Drive, requested that the numbering on Maple Drive begin with “1” (example: 18 would be 118). Keeping the name Maple Drive and renumbering based on E911 standards may create problems; some of the current numbers will be reassigned to a different residence (11 addresses will be affected). Chief Laurent explained that according to Kenny-Lynn Dempsey, the Town’s E911 representative, adding a “1” moves the Town further away from standardization. Chief Laurent explained that the standardization states that numbering will start closest to the middle of Town and then expand out in 50’ increments.

Referring to possibly renaming Maple Drive, Chief Laurent noted that many residents on Maple Drive weren’t at this meeting because the Board had decided not to rename that road. She suggested a third meeting if the Board decided to rename Maple Drive.

Chair Morgan noted that he supported the recommendations of E911. C. Hussey stated residents wanted to keep the name Maple Drive; he wasn’t convinced it would be a big problem. Residents will need to make sure addresses are clearly marked on their house and mail box. Chief Laurent added that the change will become effective Tuesday, June 11, 2019.

DRAFT: SUBJECT TO CHANGE

C. Deorocki stated the problem wouldn't be service, it would be more like drop shipments and mail. He asked how long mail carriers would deliver mail to both addresses; J. Pacheco responded one year. C. Deorocki stated, for the record, he had to change his address as well. You will find the right house sooner or later; but if it's a name and number, you don't have to find anybody else. He felt they should reconsider and have another meeting to change the name for the people not here; that's one way to break it down and fix it. He hated to say it; they were recycling numbers. C. Deorocki felt that was the best solution; it was the rules of the 911 Commission.

Chair Morgan closed the public hearing and returned to the Board for discussion.

MOTION: C. Hussey moved to approve the numbering for Maple Drive as recommended. Second – P. Sanderson; three in favor, one opposed (C. Deorocki). MOTION CARRIED

C. Hussey stated that everyone was happy with Maple Drive at the last meeting. It will be a pain with the mail, but they'll have to work through it; that's part of the pain and suffering with the road name and number changes.

MOTION: C. Hussey moved to rename the loop road Magnolia Lane and approve the numbering as recommended. Second – P. Sanderson, all in favor. MOTION CARRIED

II. APPROVAL OF MINUTES

1. Thursday, January 10, 2019

MOTION: C. Deorocki moved to approve the minutes of Thursday, January 10, 2019 as amended. Second – P. Sanderson; all in favor. MOTION CARRIED

2. Saturday, February 02, 2019

MOTION: C. Deorocki moved to approve the minutes of Saturday, February 02, 2019. Second – P. Sanderson; all in favor. MOTION CARRIED

3. Monday, February 04, 2019

MOTION: C. Deorocki moved to approve the minutes of Monday, February 04, 2019. Second – P. Sanderson; all in favor. MOTION CARRIED

III. OLD BUSINESS

1. Coakley Update

The February 2019 site update from the EPA was included in the Board packet; it updates everything going on at the site. K. Anderson attended the Coakley Landfill Group meeting on Thursday, February 14, 2019; it's now considered a public board and meetings are open to the public. At the meeting, results of the bedrock well testing were discussed. Deep bedrock testing was being pushed by legislators and people concerned with contamination. Bedrock can have fractures and they wanted to make sure those were being looked at to see if it was migrating off-site. Three newly dug wells were tested to determine if there were any fractures. The deepest well was 300'; camera tests were done and fractures were found in many. The well closest to the Falls Way subdivision had fractures and

tested perfectly clean; no contamination was coming from the fractures. In the two wells closer to the Breakfast Hill Golf Club and the private residence headed towards Berry Brook, 14 different fractures were found. In one well, four of the fractures tested positive for 1,4-Dioxaine; PFOA and PFOS was in two fractures. Those wells are closest to Berry Brook. The groundwater management zone was expanded due to the migration of 1,4-Dioxaine.

K. Anderson explained the importance is that the fractures are deep and below grade. Finding the contaminants off-site below grade indicates there is migration of the chemicals below the surface, not just from surface waters and the rubber membrane. The EPA is reviewing all the data and it will be released shortly. The EPA will also determine if they want additional testing and how quickly to have it done.

A report was given on the two carbon filter systems installed on Breakfast Hill Road (private residence and golf club). They are two carbon filter systems that are separate and then tied together. Well water goes into one system, which is being tested, and through the next system before going into the faucet. After three months of operation it was tested; the carbon filters are working and 1,4-Dioxaine was not detected in the water. Testing will be done every two months at the golf course and every quarter in the private residence.

When the first filter tests positive for contaminants, that filter will be removed and the furthest filter moved over and replaced with a new one. There will always be a brand new filter and one that will absorb; it's basically a double filtration system.

P. Sanderson added that at the federal level they are working on what the right numbers should be. Numbers are in place through NHDES, but may change at the federal level. They may also change here if mandated by the Legislature.

2. Update: 8 Fairway Drive – Paul Hayden, Road Agent

P. Hayden explained that the homeowner had complained about water on her property. He researched the issue with the Building Inspector and together they decided it wasn't a Town issue because of the way the property sits. The house is above the road and water comes from the golf course through the resident's back yard. It puddles at the low spot on the property. None of it is water from the road draining onto the property. There is a drainage system inside the cul-de-sac; the water is not flowing into it. P. Sanderson had stated it was in the right-of-way. During their research, P. Hayden and the Building Inspector discovered in 2011 the Town installed a drain on the other side of the house to be tied into that system.

P. Sanderson explained that the subdivision was built in 1966. On the plan, the cul-de-sac is shown as a 90' radius; it's actually paved to 75'. The first 15' of the unpaved area is Town right-of-way, which is where the ponding of water is occurring. P. Sanderson surmised that between 1966 and now the road had been paved enough that rather than allowing for normal drainage in a sheet flow to the center, the road has come up and become a dam. The water that was going across in sheet flow is now ponding. It's approximately a foot deep at the edge of the road and driveway; it's also where power enters the house. The water affects not only this property, but also the neighbor's driveway. P. Sanderson was also concerned that if water stays there, it may undermine the road from below.

There were options for correcting the problem. A structure could be put in to drain into the cul-de-sac, or get it high enough to restore the sheet flow. In the winter, the sheet flow could be a problem with

icing. P. Sanderson felt it was a Town responsibility; all of the area where ponding is occurring is in the Town right-of-way.

K. Anderson stated that a few years ago the Town's contractor dug out in the center of the cul-de-sac and replaced a broken pipe because flooding was occurring; it seemed to be corrected. The homeowner stated that the pipes under the road were crushed; they were replaced and daylighted into that area on the other side of the property. It's now on the other side. The homeowner has paid her landscaper to mow and remove the weeds in the drainage area during the summer.

P. Sanderson recommended the Town pay to have the drainage fixed. P. Hayden added it would be a spring project. He'll get a price for boring and digging.

3. Review: Cy Pres Petition - Weeks Library

The Board received a copy of Attorney Loughlin's draft. P. Sanderson had concerns with paragraphs 16 and 17 on the cy pres: Acceptance of Gift (paragraph 16), the actual language used "to see if the Town will vote to accept the Weeks 'Library Building' for a free public library..." and paragraph 17, Deed – Weeks to Town, "although the intent of Caroline A. Weeks to convey the Library and Library land to the Town of Greenland would appear to be beyond dispute, to date no actual deed from the Weeks family has been located". P. Sanderson searched records online, and found that Caroline Weeks made the gift at the March Town Meeting in 1898; she passed away in the fall of 1898. Charles A. Hazlett was the executor of her estate. Because a copy of the will couldn't be located, P. Sanderson was unsure if there was a devise of the property to the Town. K. Anderson didn't think there was; the closest thing she found was that just before the warrant article there was an explanation that she was donating the money to build the Library anonymously. A warrant article was done to accept the building.

P. Sanderson stated there is a "quiet title" problem; it's unclear how title actually came to the Town. Her intent may have been to give the building and have the Town as the tenant, never intending to give the land. Or, there may have been a deed that was delivered but never recorded. P. Sanderson felt it may be beyond cy pres and on to quiet title to try to determine who owns this.

Caroline Avery Weeks married George Weeks, who passed away in 1869; she died a widow. If it does pass through intestacies, it would go back through the Avery family because she was a widow and never remarried. There may be no way to prove the Town has title to the real estate. There is an indication of the building, but none on the real estate.

If a deed can't be found and it can't be passed through the will, there's a problem with title. Marcia McLaughlin asked P. Sanderson to explain "quiet title". He explained that if it's unclear who owns title to a piece of property, an action could be brought through Superior Court to try to determine who has title to a piece of property. All the evidence is submitted and the Superior Court will determine and decree who has record title. It's a different type of law than cy pres, which was about re-forming a charitable trust. M. McLaughlin asked if the quiet title was done first, followed by the cy pres. P. Sanderson responded they might be molded together.

P. Sanderson sent an email to Attorney Loughlin with those questions, but hasn't gotten a response. K. Anderson stated he may have to revise the document because it will go to Superior Court. M. McLaughlin informed the Board that Attorney Loughlin is tapering down and getting ready to retire, and isn't working as much. The Library Trustees have asked their attorney to work with Attorney Loughlin; the Library's attorney is Derek Durbin.

DRAFT: SUBJECT TO CHANGE

Coleen Penacho, Tidewater Farm Road: If Attorney Loughlin is retiring, has he turned his files over to someone else? As an attorney he has the responsibility to serve his clients. M. McLaughlin clarified that he was just cutting back on the number of clients he takes. C. Penacho stated he needs to be responsive to the clients he has. P. Sanderson will send a follow-up email and copy the Board. C. Penacho asked if the Town doesn't have title to the land, does it make sense to spend multiple millions of Town dollars to build a building on land the Town doesn't own.

Dick Rugg asked the Board if they considered "adverse possession". P. Sanderson responded that if the Town is occupying the Library building, completely consistent with the gift from Caroline Weeks, has there been any adversity? They're doing exactly what the gift said. D. Rugg stated they could petition for quiet title and adverse possession. P. Sanderson: it has to be adverse; C. Penacho: adverse has to be using something you don't have a right to use.

The cy pres review was continued to a later time.

4. Tracking of Expenditures: Weeks Library

Liz, the Bookkeeper, asked that the Board discuss this item. In the current manifest there is a bill for Altus Engineering in the amount of \$816.75 for review at the Planning Board's request. It has been signed by the Planning Board to be paid from their Consultant line. Her question: does it continue to be taken from the General Fund or should it be coming from the Capital Project Fund so the costs can be tracked? K. Anderson explained that Library expenses are in the Capital Project Fund.

The Planning Board's 2019 budget includes a Consultant line item of \$5,000; last year the Consultant line was \$2,550; \$9,425.57 was spent on consultants for the Library and PDA. The \$5,000 was primarily to continue with the Lonza expansion project. Money is still available in the Consultant line.

P. Sanderson stated that on the Planning Board side ordinarily the fees would go back to the developer in normal subdivision circumstances. He felt it was an accounting question and was unsure if it should be coming from Planning Board consulting, the Capital Reserve Fund, the Capital Project Fund or the General Fund. K. Anderson stated that as of now those types of things can be taken from the General Fund until they run out of money. She continued that during the audit, the auditors will look to see if there are any other expenses associated with the project that should be accounted for within that budget. C. Hussey suggested asking the auditors; K. Anderson stated the Bookkeeper has been working closely with the auditors. Chair Morgan suggested she continue to work with the auditors.

John Penacho, Tidewater Farm Road asked if the Planning Board made the request and was it a DRA question. P. Sanderson responded it was a peer review of the engineering report provided by the Library's engineer. K. Anderson stated it was more of an audit question rather than Department of Revenue; it's money that's appropriated for consulting work for the Planning Board.

K. Anderson stated if it were put under the Capital Project Fund, the appropriation authorization for the warrant article is \$3.55 million. It can't be overspent.

5. Update: Town Administrator Search

The Board will be interviewing candidates in non-public session on Tuesday, February 19, 2019 and Wednesday, February 20, 2019. The Board will meet at 5:30 p.m. and interviews will start at 6:00 p.m.

DRAFT: SUBJECT TO CHANGE

on both nights. Alan Gould, Municipal Resources Inc., has provided a list of suggested questions. Three questions per Selectmen have been recommended. J. Rolston will be at both set of interviews.

Attorney Loughlin didn't feel he was qualified to draw up a contract for the new Town Administrator. He has recommended Attorney Daniel Schwarz to assist the Board. Chair Morgan and P. Sanderson will not be party to contract negotiations. This item was continued to when J. Rolston was present.

6. Liaison Reports

There were no liaison reports.

7. Old Business

P. Hayden stated that he has been working with the Building Inspector on permits for road excavation. Anyone digging up a Town road would need to pull a permit so the road can be inspected. K. Anderson stated that a previous Building Inspector always issued those permits. P. Hayden stated they would like more control over who's digging up the roads. P. Sanderson added they should be working with the Police Department for proper traffic control. There's normally a sliding scale with these types of ordinances; a road that was just paved would be charged more to open up. P. Sanderson stated it can be a Selectmen's Ordinance; they have power over the roadways. He suggested looking at the City of Concord's ordinance and work backwards.

IV. NEW BUSINESS AND ADMINISTRATIVE

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

There was no Town Administrator's report.

2. Audit Engagement Letter: Plodzik & Sanderson

The Audit Engagement letter for Plodzik & Sanderson is a continuation for one more year. The audit is scheduled for the second week of May 2019.

MOTION: C. Deorocki moved to approve the Plodzik & Sanderson Audit Engagement Letter for the 2018 audit. Second – P. Sanderson; all in favor. MOTION CARRIED

3. Other New Business

- Portsmouth Country Club: Dick Rugg stated that Portsmouth Country Club built an addition and asked if they ever received a bill for their discretionary easement. K. Anderson responded that the building was within the perimeter of their area that could be developed. D. Rugg asked if pavement was considered with the discretionary easement, for or against. K. Anderson responded that she didn't consider pavement. The Planning Board had Eric Weinrieb, Altus Engineering, go out with plans and review it to make sure the development didn't fall within the section that was covered by the discretionary easement. He was unable to do exact measurements because the drawings for the discretionary easement limited it to a certain number of acres that could be developed and the rest couldn't. It was a hand drawing with no specific metes and bounds to say you can't go within that section. The engineer assured the Planning Board that the area being developed was still within the perimeter they had; 247 acres still remained in compliance with the discretionary

easement. P. Sanderson added it was overall less acreage reserved. D. Rugg stated the building they built was 2.3 acres; the pavement is more than 5 acres. His question: that doesn't disqualify anything? K. Anderson responded that the building and a lot of the pavement was done where the existing parking lot had been. They removed and replaced one building. Documentation will be available in the Planning Board file. K. Anderson had the engineer review in case they were encroaching, understanding they would have to pay a release tax. P. Sanderson added that the Planning Board looked at it and didn't feel there was a violation. D. Rugg disagreed, stating there was a \$200,000 penalty if construction was within the discretionary easement area; they are definitely over the five acres. P. Sanderson stated that as he remembered, looking at the original hand-drawn, he couldn't tell. D. Rugg disagreed.

- Vets Hall: D. Rugg stated that the Syphers family would like to donate its parking lot and driveway if the Town would draw up the deed to match the 1938 Town Meeting vote. If the Vets go out of business, the parking lot and driveway on the side goes back to the Syphers family; K. Anderson added that the building would revert back to the Town. P. Sanderson stated that would be very generous; he hasn't heard from anyone in the Syphers family. Chair Morgan will speak with Leap Syphers at their meeting later this week.
- Inventory: D. Rugg questioned the rationale of sending out an inventory once every five years. P. Sanderson replied that was a Board decision to save money and difficulty for residents. The data was used to prepare for the revaluation. D. Rugg suggested getting the data every year rather than giving residents a free ride for the next four years. P. Sanderson responded that inventories weren't the only source of information; pick-ups are also used. He explained there are permits and a Building Inspector, and all permit information is given to the assessor. K. Anderson added every year 20% of the Town is done as a cyclical update. The assessing contractor goes to every property to insure correct assessments; six maps are done every year.
- Town-Conveyed Land: D. Rugg stated there is a situation on Falls Way where the Town conveyed land and asked for an explanation. P. Sanderson explained that there were two small parcels of land that were non-buildable lots. An individual approached the Town about purchasing those two non-buildable lots at their market value and merged them with adjacent land they owned. That created buildable lots; full taxation is received from those lots as completed structures. Something that was worth nothing was turned into two fully taxable residential lots. K. Anderson further explained that the RSA process was followed and went through the Planning Board and Conservation Commission. The discussion continued about the lots being non-buildable and conveyed to the Town. K. Anderson reminded D. Rugg of the process: in 2014 the land and road were turned over to the Town when the subdivision was completed. The strip of land in question was adjacent to the road that abutted the Doggie Daycare/farm area on Breakfast Hill Road. Public hearings were held; many residents approached the Town and asked for support in turning the land back over because it was unsightly and not being maintained; they preferred to see a house with a driveway and yard. C. Hussey stated that he could understand D. Rugg's point, but it was water over the dam. He continued that he was against the Town giving property away right now and selling it below market value; he would not support that ever again. K. Anderson stated that what was transferred wasn't a buildable lot; it was a strip of land abutting that. The transfer occurred between 2014 and 2016. D. Miller stated it was now 2019; what did it have to do with apples and oranges. He continued this was a Selectmen's meeting to discuss the business of the day. He felt D. Rugg was digging up stuff for the two outgoing Selectmen, and asked him what his agenda was. D. Rugg responded that he was upset a building lot on Holly Lane was sold for \$50,000; D. Miller noted that wasn't done recently. Chair Morgan, allowing a little more time, stated he wasn't going to hold the meeting up for inconsequential discussions; it's all water over the dam. K. Anderson added it could be an agenda item at the next meeting. J. Penacho, responding to D. Rugg, stated that the proper steps were followed on any land that was conveyed. The Town shouldn't own land; it increases the

DRAFT: SUBJECT TO CHANGE

liability and risk if the land isn't maintained. The process was absolutely correct; the land on Holly Lane was market value. The land was taken by the Town for unpaid taxes; the Town got its money back and made money when it was sold. J. Penacho reiterated that the Board always followed the correct process and were never helter-skelter about anything. Why would the Town keep land that was useless if someone offered to pay market value? He disagreed with D. Rugg; he knew the steps the Board went through.

V. ACCOUNTS PAYABLE – THURSDAY, FEBRUARY 21, 2019

1. Payroll Manifest 04

MOTION: P. Sanderson moved to approve Payroll Manifest 04 in the amount of \$48,988. Second – C. Hussey; all in favor. MOTION CARRIED

2. General Fund Manifest 04

MOTION: P. Sanderson moved to approve General Fund Manifest 04 in the amount of \$328,432.17 (School - \$200,000). Second – C. Hussey; all in favor. MOTION CARRIED

This manifest is subject to the accounting reallocation discussed earlier in the meeting.

3. Fire/Safety Manifest 01

MOTION: P. Sanderson moved to approve Fire/Safety Manifest 01 in the amount of \$155.56. Second – C. Hussey; all in favor. MOTION CARRIED

VI. ADJOURNMENT

MOTION: C. Hussey moved to adjourn at 8:25 p.m. Second – C. Deorocki; all in favor. MOTION CARRIED

NEXT MEETING

Monday, March 04, 2019 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: