



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

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Monday, March 4, 2019 – 6:30 p.m. – Town Hall Conference Room

Members Present: Chester Deorocki, Chip Hussey, Vaughan Morgan, Jim Rolston, Paul Sanderson  
Also Present: Karen Anderson – Town Administrator

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**I. 6:30 p.m. – NON-PUBLIC**

1. RSA 91-A:3, II(b)

The non-public was continued to a later date.

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.

**II. 7:00 p.m. - APPOINTMENT**

1. Conservation Commission Appointment: Richard Collins

Rich Collins, Post Road, has requested to be appointed to the Conservation Commission. R. Collins introduced himself to the Board. He has been involved in conservation, sees the Town growing, cares about Great Bay and would like to get involved.

MOTION: C. Hussey moved to appoint Richard Collins to the Conservation Commission; his appointment would expire in March 2022. Second – J. Rolston; all in favor. MOTION CARRIED

Chair Morgan thanked him for volunteering his time; it was appreciated. Greenland is a big volunteer Town.

**III. APPROVAL OF MINUTES**

1. Monday, February 18, 2019

MOTION: C. Deorocki moved to approve the minutes of Monday, February 18, 2019. Second – J. Rolston; all in favor. MOTION CARRIED

IV. OLD BUSINESS

1. Coakley Update

K. Anderson reported that several weeks ago DES proposed rulings at 38 parts per trillion for PFOA/70 ppt for PFOS and a 70 ppt combined for those chemicals. The recent press release indicated they are looking closer at those numbers and may be presenting something different.

2. Weeks Library: Cy Pres Petition Update

Chair Morgan stated that Attorney Loughlin had received a response from the Department of Justice, Division of Charitable Trusts (copy on file), and deferred to P. Sanderson. When reviewing Attorney Loughlin's proposed cy pres petition, paragraphs 16 and 17, they are unable to determine who owns the property; the chain of title stops at Caroline Weeks. There wasn't a deed to the Town of Greenland.

P. Sanderson did some research at the Registry, and located the Estate of Caroline Weeks. She passed away within months of gifting the building to the Town at the 1898 Town Meeting. There was no devise of the real estate to the Town of Greenland; there was the creation of a \$2,000 charitable trust for the upkeep of the building. There was no other mention of the Library. The residuary clause gave the remainder of her estate to two nieces and two nephews; one was a resident of Greenland. K. Anderson added that the Charitable Trust reported that the inventory of the assets of her estate didn't include the property. P. Sanderson stated that the inventory of her assets included the homestead; there was no mention of the Weeks Library property.

P. Sanderson continued there are only two ways property can pass: by deed or estate. In this circumstance, it didn't do either one. Record title is with the four heirs, the nieces and nephews, who have residuary of the estate. There are 120 years of additional history, and five or six generations to go through to find the record owner of the real estate today. At this time, the Town has no record title. A response was received from the Director of Charitable Trusts indicating they believe a charitable trust was created by means of a gift given to the Town and accepted at Town Meeting in 1898. A quiet title action is required in order to vest title to the real estate in the Town. This is the first step.

Marcia McLaughlin, Nantucket Place, stated that Denise Grimse, Library Director, has done a cursory look through some genealogy; there is much more that needs to be done. P. Sanderson stated it was a daunting task. K. Anderson added that the cy pres shouldn't include the quiet title in the one document; the court ruled in another town that it needed to be separate. It could be simultaneous separate documents.

Chair Morgan stated that the Library would be working with the next Board on this issue.

3. Liaison Reports

There were no liaison reports.

4. Other Old Business

Letter to PDA: J. Rolston went on record thanking Chair Morgan for his work on the letter to the PDA. P. Sanderson added that the Portsmouth Herald wrote an article that Greenland doesn't need a seat.

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There was no one present from the Portsmouth Herald at this meeting. It was noted that the bill for appointment to the PDA must go through the State Legislature.

Quiet Title: Coleen Penacho, 86 Tidewater Farm Road: Asked what the quiet title moving forward meant for the Library building and design process. Chair Morgan responded that he thought everything would stop until the title issue was resolved; they couldn't build on land where the owner was unknown. Adverse possession was discussed at a prior meeting; there was no adversity. K. Anderson added that no one has objected to the land being used for the Library; Chair Morgan stated it's been used as it should be.

Sale of Land to the Town: Chair Morgan stated that at the last meeting Mr. Rugg indicated Mr. Syphers might want to sell the Town some land. Chair Morgan has spoken to Mr. Syphers; he had no idea what Mr. Rugg was talking about. K. Anderson clarified that the land in question is owned by Mr. Syphers' daughter and son with the house in the back; the Vets Hall has a 20' easement over the driveway.

### V. NEW BUSINESS AND ADMINISTRATIVE

#### 1. Library Resignation and Appointment

Jonathan Dowling has moved and submitted a letter of resignation. His term expires in 2020. The Library Trustees would like to appoint Eileen Bishoff to serve the remainder of his term. K. Anderson explained that normally an appointment due to a resignation is filled until the next election. The filing period for the next election has already closed; the position can be filled until March 2020.

MOTION: J. Rolston moved to accept the resignation of Jonathan Dowling, Library Trustee, and appoint Eileen Bishoff to serve until March 2020. Second – C. Deorocki; all in favor. MOTION CARRIED

M. McLaughlin will contact E. Bishoff to remind her to be sworn in by the Town Clerk.

#### 2. Bond Reduction: Bramber Valley Age Restricted Housing Development

Dorado Investment requested a bond release for the Bramber Valley Age Restricted Housing Development. Altus Engineering recommended a bond reduction of \$250,400; the amount to be retained by the Town is \$89,600.

The Vernita Connection is open and being used. Police and Fire have had some concerns with the gate. The gate only works from one side; if they're in the subdivision, they can't get out unless they use the Post Road entrance. Chief Laurent commented it's on the docket to be resolved.

Joe Coronati, Jones & Beach, stated they were fine with the recommendation from Altus, and were aware there was some work remaining to be done; some items are weather dependent. They will be responding to the letter from Altus.

MOTION: J. Rolston moved to approve the bond reduction in the amount of \$250,400 for the Bramber Valley Age Restricted Housing Development as recommended by Altus Engineering; the Town will retain \$89,600. Second – C. Deorocki; all in favor. MOTION CARRIED

3. Crosswalk Removal: Rt. 33 and Portsmouth Avenue

A letter was received from NHDOT regarding the removal of the crosswalk at Rt. 33 and Portsmouth Avenue (from Dunkin' Donuts to the Vets Hall) due to minimal pedestrian traffic and federal accessibility guidelines for disabled people not being met. K. Anderson has heard from several people that the crosswalk should be maintained. There are road and bicycle races held in that area every year. C. Hussey stated the crosswalk is used on weekends. His personal opinion was that it should be maintained and updated to ADA standards.

MOTION: C. Hussey moved to request that the crosswalk at Rt. 33 and Portsmouth Avenue be repainted, maintained and upgraded up to ADA standards by NHDOT due to the amount of usage it receives and its importance to pedestrian safety. Second – J. Rolston; all in favor. MOTION CARRIED

Chief Laurent will write the letter to NHDOT.

4. Letter to Dept. of Transportation: Parking on Rt. 151 (Weeks Library and Parish House)

John McDevitt, Planning Board, requested that the Board of Selectmen consider sending a letter to DOT to eliminate parking on Rt. 151/Post Road between Weeks Library and the Parish House. P. Sanderson stated that DOT controls the parking because it's a State highway; the Town has no say over what they would like to do. If they felt parking was inappropriate in that area, the parking would stop. The Town can't speak to what the Parish House will advocate. P. Sanderson noted it was a DOT right-of-way. The Selectmen could concur with the Planning Board's efforts to have it reviewed.

C. Hussey asked Chief Laurent how many accidents in the Library/Parish House area in the last five years due to parking. Her response was two serious accidents and some small ones, but many misses. C. Hussey noted that DOT wants nothing in their right-of-way. T. Collins commented that in a recent report he read, no accidents were listed. Chief Laurent noted that was in the last couple of years. Compared to Rt. 33, the accidents are very little. She added that it was extremely unsafe due to speed in the area, the curve, backing out onto Rt. 151, and the School; it's a recipe for disaster.

J. Rolston stated that parallel parking would be fine; backing out could be a problem. Removing parking from Rt. 151/Post Road will be an inconvenience to the older residents. Steve Smith, Newington Road, stated it came before the Planning Board many years ago and it had been a painted fire lane many years ago in front of the Parish House; it hasn't been maintained.

C. Deorocki stated that in his opinion, the car count has gotten so big and that times have changed so much he felt it was unsafe even for parallel parking. At certain times that road is crazy. It's just a matter of time before 8 to 12 bad accidents happen. J. Rolston responded that they won't let it get to 8 to 12 bad accidents before it's acted on. C. Deorocki stated it's an active road. He would hate for them to lose the parking they have, but it's unsafe. J. Rolston suggested parallel parking. C. Deorocki asked how many spaces they could get; two or three? J. Rolston felt they could get four or five spaces. C. Deorocki added: with all the safety hazards and problems, we need fire lanes.

Laura Byergo, Caswell Drive: As a resident of Greenland, when they start commenting on so much traffic; a town like Exeter or Portsmouth has parallel parking on either side of very busy roads. People are responsible enough to be able to look over their shoulder; no one wants to have a car wreck. She would argue that when there are relatively few cars people pull out and cause an accident. She felt

parallel parking works. C. Deorocki stated that the point was taken but didn't feel the risk outweighed the reward.

Chief Laurent agreed about Exeter, but noted that Rt. 151 isn't a business area and is a State route; it doesn't go down to 25 mph. People speed through that area because it's residential set off the road. Angled parking was much worse. Chief Laurent has seen people parallel park in that area if they are the only car; it's always angled. She can't speak to parallel parking because it doesn't happen often. Parking can be a free for all. J. Rolston added that it needed to be delineated. Chief Laurent has concerns but is willing to look at it if DOT wants to come out; she would be more than happy to measure and see what it looks like. She agreed with C. Deorocki regarding the risk. Chief Laurent will contact Division 6 to meet and review the parking situation.

The Board was in agreement to table the letter to DOT until a later date.

5. Franchise Agreement: Comcast

K. Anderson explained that the franchise agreement with Comcast is expiring in April. They granted the Town an extension last year; she requested another extension to give the new Town Administrator and Board time to review and negotiate.

MOTION: P. Sanderson moved to approve a one year extension of the Franchise Agreement with Comcast. Second – C. Deorocki; all in favor. MOTION CARRIED

6. Rockingham Planning Commission Electricity Aggregation

The Rockingham Planning Commission is forming an electricity supply aggregation for municipal, school and county facilities in our region. Electricity can be purchased as a group and it would be less expensive. Greenland is currently under contract with Taylor Energy until 2022 for an annual auction to obtain electricity at lower costs. The Town has been in a consortium with North Hampton and Rye since 2011.

The Board can express an interest to RPC to move forward; however, the Town would have to immediately sever its relationship with Taylor Energy. Responding to a question from P. Sanderson, K. Anderson stated she didn't look deep into the contract for any penalties for early termination.

The Board was in agreement to wait until the contract with Taylor Energy expired.

7. Abatements

Two abatements have been processed by the assessor. Several more were received prior to the deadline (March 01, 2019) but haven't been processed by the assessor.

- The assessor recommended an abatement denial for 25 Shore Drive (Map R18, 24) based on the value he felt was appropriate for the neighborhood. The property owner had no changes in his house in five years; his increase was 20%.

MOTION: J. Rolston moved to deny the abatement for 25 Shore Drive (Map R18, 24) as recommended by the assessor. Second – C. Deorocki; all in favor. MOTION CARRIED

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- The assessor agreed that a change was warranted for 158 Dearborn Road (Map R12, 28) due to the grade and style of the property. The assessor also noted that central air conditioning had been added and there were five bedrooms rather than four.

MOTION: C. Hussey moved to approve the abatement for 158 Dearborn Road (Map R12, 28) in the amount of \$150 plus interest as recommended by the assessor. Second – J. Rolston; all in favor. MOTION CARRIED

### 8. Other New Business

All Veterans Credit: The resident at 32 Cherry Hill Drive qualifies for the All Veterans Credit for years served.

MOTION: C. Hussey moved to approve the All Veterans Credit for the resident at 32 Cherry Hill Drive in the amount of \$500. Second – J. Rolston; all in favor. MOTION CARRIED

Electioneering: Tim Collins, Winnicut Road: Stated that twice in the last week the Town of Greenland has violated RSA 659:44-a, Electioneering. He felt the mailer that was sent out was illegal; it didn't list that it was Article 2 or a warrant article. It didn't tell you that it was 2.9 million or you had to go to DES because you were going to mess with the wetlands; it didn't say you needed a Variance because you were building too close to private property; it didn't say any of the negatives, only the positives. It talked about future expansion but not that you have to buy the neighbor's property before the future expansion can be done. Basically, it was sold as a sales pitch which is illegal to do with taxpayer's dollars. On dump day, a fireman in fire gear was on Town property delivering the same thing. On Town property it is illegal; being in Town fire gear is illegal. The whole thing is illegal.

Chair Morgan stated he felt there would be some people who disagreed with him on that. T. Collins added that there was a complaint filed with the Attorney General's office and they have been asked to monitor the election because there has been so much of this. Also, we didn't have the police or fire asked about that project because you can't have a SWAT vehicle around that but you did ask them about that in the Library. You can't drive a fire truck around the proposed building and you didn't ask that, but you did the Library. So, there's been a lot brought up that you are setting two different standards. It's just not right. People take notice. Chair Morgan responded "all right, your comments are noted".

Bond Reduction: Chuck Murphy, 73 Boxwood Path: Asked for clarification on the Dorado Investments bond reduction. According to the January 31, 2019 Altus Engineering report: The total bond amount held by the Town be reduced to no less than \$124,000. He questioned the Board reducing the bond to \$89,000. C. Murphy didn't have the latest report from Altus Engineering dated February 21, 2019.

Thank You: Dennis Malloy, Van Etten Drive and State Representative: Thanked the Selectmen, Town Administrator, Police Chief, Town Clerk and others for their input for his work at the State House; it makes it easier. D. Malloy recognized P. Sanderson for his work on behalf of Greenland at the State House and teaching him while he was a Selectman in Barrington. He also appreciated Chair Morgan's testimony on behalf of Greenland for the petition on a seat at the PDA; it made a world of difference. He thanked P. Sanderson and Chair Morgan for their service; it had been helpful for him. In turn, Chair Morgan thanked D. Malloy for his help and doing a great job for Greenland.

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Appreciation Expressed: Chair Morgan, at his last meeting, stated it was an honor to serve as a Selectman for the last nine years. It was a pleasure to work with the various Boards, Committees and Commissions. It was a real privilege to work with all the department heads and employees in the Town that make the Town run as smoothly as it does; they do a lot of things behind the scenes that people don't see and do a great job at that. Chair Morgan wished K. Anderson the best in her future endeavors; she has been a big asset to the Board; they really appreciated the effort she put forth. Chair Morgan commended P. Sanderson, who is also stepping down this year. With his knowledge of municipal law and common sense approach to a lot of the issues, he has been a valuable asset to all the various Boards he has served on over the years. It was Chair Morgan's pleasure to serve with P. Sanderson.

P. Sanderson thanked Chair Morgan for his kind words. It has been a long period of time that he's been involved. He has been on Boards every year but one since 1982. He's had an awful lot of assistance and a lot of people have taught him over a long period of time. It's will be a year of change, but that's the way it is sometimes. P. Sanderson hoped everyone gave the new Board their support and assistance so they can move forward and things can continue along smoothly.

Addressing the remaining Selectmen, Chair Morgan added it was his hope the ball would keep rolling in the right direction, and wished them the best of luck. There was a lot work to do.

Liz Cummings, Nantucket Place: Wishing Chair Morgan and P. Sanderson the very, very best, she presented them with gifts from her and her husband.

Fire Department Mailing: J. Rolston, referring to T. Collins' complaint, questioned who authorized the Fire Department mailing. Chair Morgan responded that the Board didn't authorize it. Marge Morgan, Town Clerk, stated she had four solicitation forms for people to be in the parking lot on various dates. J. Rolston asked if the Town paid for the mailing; K. Anderson responded that the Town paid. M. McLaughlin stated that the Library used the Town's bulk mailing permit, but didn't pay for the mailing. Chair Morgan stated if the Fire Department mailing was paid by the Town, it would be rectified. L. Cummings noted the postage invoice in the manifest needed to be pulled. K. Anderson stated that an invoice had been paid in the last manifest for the flyers. P. Sanderson pointed out the Accounts Payable request from Ralph Cresta, Fire Chief, in the amount of \$375.36 for mailing the new fire station brochure; it hasn't been approved by the Board of Selectmen. T. Collins noted that the printing was approved at an earlier meeting. L. Cummings stated that Infinite Imaging was paid in the last manifest. Chair Morgan stated it would be rectified.

### VI. ACCOUNTS PAYABLE – THURSDAY, MARCH 07, 2019

#### 1. Payroll Manifest 05

MOTION: P. Sanderson moved to approve Payroll Manifest 05 in the amount of \$53,784.73. Second – J. Rolston; all in favor. MOTION CARRIED

#### 2. General Fund Manifest 05

MOTION: P. Sanderson moved to approve the amended General Fund Manifest 05 in the amount of \$504,262.64 (School - \$300,000). Second – J. Rolston; all in favor. MOTION CARRIED

Note: The original manifest amount was \$504,638; postage for the Fire Department (\$375. 36) was deducted from that amount.



3. Capital Fund – Library Manifest 02

The Library Trustees requested the amount be taken from bond funds; they didn't authorize it to be taken from the Capital Reserve Fund.

MOTION: P. Sanderson moved to table Capital Fund – Library Manifest 02 in the amount of \$3,914.83. Second – C. Deorocki

P. Sanderson didn't feel it was appropriate to pay the bill from the bond funds. J. Rolston asked which fund it should be paid from; P. Sanderson was unsure because he hadn't looked at the bill. He didn't think anything should be paid from bond proceeds due to what the Board learned earlier in the meeting; C. Deorocki was in agreement. L. Cummings stated it didn't matter which account it was taken from; however, the contract with Lavallee|Brensinger states that interest will be charged if not paid within 30 days; the invoice was dated January 21, 2019.

C. Penacho asked if the quiet title petition meant they were moving forward with anything for the Library. She understood it was work already completed. The response she received from the Board was that no building or other design work should go forward until the title was cleared. C. Hussey clarified that the Board stated no building could go forward. C. Penacho reiterated that Chair Morgan said nothing could go forward. Chair Morgan stated everything should come to a "screeching" halt; C. Deorocki was in agreement. C. Penacho continued that she wasn't referring to work that has been done. If the money is taken out of the bond, the Board would be changing the status quo of possibly being able to have the flexibility to do what the Town may need to do if the title isn't cleared. If it's not taken from the Capital Reserve Fund, the Board is disagreeing with their earlier statement that nothing should move forward. C. Deorocki agreed, stating he would sign it right now out of the Capital Reserve Fund; he wanted to pay the bill.

John Penacho asked J. Rolston why he was so insistent to take it out of the bond. J. Rolston responded that was what the Trustees wanted. J. Penacho continued that at every meeting J. Rolston was insistent that funds be paid from the bond. C. Hussey stated that the taxpayers approved that; the Trustees have to approve payment from the Capital Reserve Fund. Bob Krasko stated they should be using the \$600,000 they have accumulated over the last several years.

L. Cummings stated there was the option to take it out of the General Fund; she has asked the auditors. However, they cannot use taking those funds out of General Fund to exceed the budgetary requirements. If they don't want to make any more payments, the Board needs to suggest to the Library Trustees that they stop the contractor from moving forward. There is a clause in the Lavallee|Brensinger contract that states if you stop, you are liable for the profit they would have made had the project been completed. There are consequences to situations. M. McLaughlin stated they are not stopping completely; it would be put on the back burner until the title was cleared. Chair Morgan stated that until the land issue is resolved, nothing goes any further. C. Deorocki stated that the bills should get paid up to this point, and nothing further.

MOTION: P. Sanderson moved to table Capital Fund – Library Manifest 02 in the amount of \$3,914.83. Second – C. Deorocki; three in favor, two opposed (C. Hussey, J. Rolston). MOTION CARRIED

P. Sanderson suggested it be referred back to the Library Trustees. J. Rolston asked M. McLaughlin if they would agree to pay the invoice in the amount of \$3,914.83 from the Capital Reserve Fund so the



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bill could be paid. Chair Morgan noted that there was a motion and vote; payment of the invoice was tabled.

C. Penacho questioned why the invoice couldn't be paid when there was an option to pay it from the General Fund. Responding to C. Penacho, L. Cummings stated that the Town could be reimbursed at a later time from the Capital Reserve Fund or bond. Money could be transferred from one account to another upon approval of the Board.

MOTION: J. Rolston moved to take the payment of the invoice in the amount of \$3,914.83 off the table. Second – C. Hussey; all in favor. MOTION CARRIED

MOTION: J. Rolston moved to pay the invoice in the amount of \$3,914.83 from the General Fund – Selectmen's Consultant Line. Second – C. Hussey; all in favor. MOTION CARRIED.

### VII. ADJOURNMENT

MOTION: C. Hussey moved to adjourn at 8:00 p.m. Second – J. Rolston; all in favor. MOTION CARRIED

### NEXT MEETING

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

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: