



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, September 30, 2019 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chester Deorocki, Chip Hussey, Rick Hussey, Jim Rolston, Steve Smith

Also Present: Matthew Scruton - Town Administrator

Chair Hussey 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 live streamed and recorded.

I. APPOINTMENT

1. Trustees of Trust Funds Appointment

Pamela Diamantis has applied to be appointed as the third member of the Trustees of Trust Funds. The Board of Selectmen can appoint a candidate to fill the vacancy until the March Town Meeting. A resident would then have to be elected to fill the term. No other applications have been received. M. Scruton added that P. Diamantis is very well qualified; the Town is very fortunate to have her. J. Rolston stated he was very impressed. P. Diamantis was present and introduced herself to the Selectmen.

MOTION: J. Rolston moved to appoint Pamela Diamantis to the Trustees of Trust Funds, term to expire March 2020. Second – C. Deorocki; all in favor. MOTION CARRIED

2. Dorado Investments, LLC: Bond Reduction – Bramber Valley Age Restricted Housing Development

A bond reduction has been requested by Dorado Investments for the Bramber Valley Age Restricted Housing Development. The request has been reviewed by Altus Engineering. They have recommended retaining \$40,000 (\$5,000 for the private roadway and utilities, excluding the basin and \$35,000 to rebuild the filtration basin).

Diane Durkin, 100 Boxwood Path: She was opposed to Dorado Investments receiving any money back. There are numerous issues; she has a primary issue that she discussed at the Town Hall today. Altus Engineering agrees it is a major issue. D. Durkin continued there are grading issues. She has pictures and videos showing there is a river going between her house and her neighbors. Because the grading was done improperly, it goes directly into her property. When regrading was done, the remark was made to D. Durkin “it was not your problem, lady; wait until somebody else buys it”. She wanted to make sure they got no money back until the issues were resolved. D. Durkin stated it was a safety hazard. She showed the Selectmen pictures and told the Board she couldn’t use her driveway. She also had a report from Altus Engineering, dated June 21, 2019. She continued that numerous engineers have looked at her driveway in the last two weeks. She was told there needs to be two catch basins that can tie into a sewer line.

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John O'Neill, Green and Company: Altus Engineering has reviewed the entire site and property, including drainage, roads, infiltration, etc. This is a civil situation and the Board does not need to get involved. J. Rolston asked what they thought the problem was; J. O'Neill responded that at certain times of the year there is a tremendous amount of water with rain or ice. These are private roads that are being privately maintained. J. O'Neill stated that Altus Engineering would have addressed the situation if he thought there was a problem. He continued they were willing to deal with the situation. He added that they have met all the expectations of the Planning Board and Altus Engineering; money will be put aside for infiltration and there may be enough to correct her driveway issue. They were not walking away; there was still a bond in place. Concerns can be addressed if it does not go the civil route; if it goes civil, that is the way it will need to go.

D. Durkin asked J. O'Neill why three engineers would say water drainage was supposed to go between the houses and it is not there; it all goes to her location. J. O'Neill assured her that their engineer would review the drainage and come to some terms. Her situation should have no bearing on a bond reduction request. He offered to meet with her after their portion of the meeting.

Chair Hussey noted there would be \$40,000 retained. C. Deorocki explained that the bond amount was \$89,600; the amount to be released was \$49,600; the amount to be retained was \$40,000. He agreed with the advice of the Planning Board engineer (Altus Engineering).

MOTION: C. Deorocki moved to approve the bond reduction to \$40,000 as recommended by Altus Engineering for the Bramber Valley Age Restricted Housing Development.

Discussion: R. Hussey stated ponding was not good in someone's driveway. He was concerned about safety. The Town of Greenland was responsible for roads and sidewalks per the RSA's. J. O'Neill noted it was a private road and that they were not walking away from the issue; it was a civil matter. D. Durkin stated that the response she received from J. O'Neill did not show they were willing to work on it. Chair Hussey, responding to a question from R. Hussey, stated once it was done at the Planning Board, it was a matter for the Board of Selectmen. A member of the audience stated that \$90,000 was more motivating than \$40,000.

Michael Green, Dorado Investments: The Town Engineer has evaluated the project. The bond should have been released a year ago; they were holding off waiting a big enough rainstorm for the detention pond and that has not happened. If the pond next to the Club House does not drain properly, they have to fix it. M. Green wanted it done properly rather than "Mickey Mouse" testing. If the pond works after a big storm, the issue will be settled. He felt there was enough money remaining in the bond to fix the drainage at D. Durkin's as well as any potential problems with the detention pond.

C. Deorocki stated he was not going to rescind the motion. He was not an engineer and he was leaning on the engineers that we hire for this. He thought that's what they were discussing. They were not talking about fixing private roads or anything like that; that is not what this is about. This was about the bond. The people we have hired for their opinions have given it to us. He was going to lean on that.

A member of the audience asked if the Board had documentation that \$40,000 would cover whatever was necessary. C. Deorocki replied that was what they were leaning on. The opinion was \$40,000; they recommended retaining \$40,000: \$5,000 for the private roadway and utilities, excluding the basin and \$35,000 to rebuild the filtration basin.

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MOTION: C. Deorocki moved to approve the bond reduction to \$40,000 as recommended by Altus Engineering for the Bramber Valley Age Restricted Housing Development. Second – R. Hussey; all in favor. MOTION CARRIED

3. Dorado Investments, LLC: Transfer - Bramber Valley Drive, Vernita Connection to Town of Greenland

When the Bramber Valley Age Restricted Housing Development was approved by the Planning Board, one of the conditions was that Dorado Investments, LLC would be transferring Bramber Valley Drive and the Vernita Connection to the town. A condition of that approval was that the condo association would maintain the public road portion of the Vernita Connection, Bramber Valley Drive and associated street lights; this includes plowing and salting as needed. The development itself will remain private and not public. The Board received a copy of the Planning Board Notice of Decision. The deed has been reviewed and approved by Peter Loughlin, Town Attorney, and John Bosen, Attorney for Dorado Investments, LLC. C. Deorocki clarified that it was Bramber Valley Drive and not Bramber Valley Road.

MOTION: C. Deorocki moved to accept Bramber Valley Drive and the Vernita Connection as Town roads. The Bramber Valley age Restricted Housing Development Homeowner's Association is responsible for the maintenance of the Vernita Connection, Bramber Valley Drive and associated street lights; this includes plowing and salting as needed. Second – S. Smith; all in favor. MOTION CARRIED

4. Julie LaBranche, Rockingham Planning Commission: MS-4 IDDE Ordinance

M. Scruton introduced Julie LaBranche, Rockingham Planning Commission, to the Board to discuss the MS-4 Illicit Discharge Detection and Elimination (IDDE) Ordinance. If approved by the Board in a public hearing on Monday, October 21, it will become a Selectmen's Ordinance. The proposed ordinance was prepared and typed by RPC.

RPC has been working with the Town to meet the MS4 requirements for year one, which ended on June 30, 2019. A requirement of year one was to adopt the MS-4 Illicit Discharge Detection and Elimination (IDDE) program. The requirement for the permit regulates discharge into the MS-4 system (swales, roadside drainage, catch basin, etc. within the MS-4 area).

The MS-4 permit requires an ordinance and program be in place. The ordinance clearly states what is and is not allowed to be discharged into the MS-4 system. The program is how the Town administers violations, the procedure to be followed if a violation is observed, fines, etc. In the Town of Atkinson, the ordinance was adopted as a Zoning Ordinance; the program was adopted as a Selectmen's policy. Due to the time frame with March Town Meeting, Greenland can adopt the ordinance as a Selectmen's Ordinance in the interim as well as the program.

J. LaBranche explained it must be an ordinance because it applies to all activities that occur within the Town's MS-4 system or area, beginning with the date of adoption. There is no grandfathering or exemptions. Exceptions can be found on page 2, Article A5 – Discharge Prohibitions, Section A5.1 – Prohibition of Illegal Discharges (copy on file). Water discharged directly into the MS-4 system from a basement sump pump would be of concern if it flows into a drainage system, swale or catch basin.

J. LaBranche reviewed the definitions for the program and ordinance (page 5). The administrative program can vary from town to town. Any agent of the Town could be responsible for enforcement; the Board of Selectmen would ultimately deal with the enforcement action. Greenland does not have much

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significant stormwater infrastructure. J. LaBranche recommended the Board review the proposed ordinance. The EPA wants to ensure that if there is a violation in the MS-4 area, a solution is available.

J. Rolston questioned the amount of the penalty. J. LaBranche recommended a legal opinion if it should be a flat fee or on a case by case basis. M. Scruton stated he would be comfortable with the ordinance as drafted knowing that DES had the enforcement authority to pursue any violations. S. Smith clarified that the address at the top of page 6 would be changed to 11 Town Square, Greenland.

MOTION: J. Rolston moved to forward the MS-4 Illicit Discharge Detection and Elimination (IDDE) Selectmen's Ordinance to public hearing on Monday, October 21, 2019. Second – S. Smith; all in favor. MOTION CARRIED

The IDDE was a requirement for year one. RPC will be submitting the Town's annual report for the MS-4 permit documenting the activities that have been completed. It will be noted that the Board of Selectmen discussed the IDDE and that it will be forwarded to public hearing and adoption within the next month.

As part of the MS-4 Permit compliance the Town's ranking official needs to be able to sign all documents. The ranking officials can delegate the signing authority to the appropriate staff member. RPC strongly recommends the Selectmen authorize the Town Administrator to be the delegated authority for the MS-4 Permit, allowing him to sign the annual report that is due to the EPA today.

MOTION: S. Smith moved to authorize the Town Administrator to be the delegated authority for the MS-4 Permit and allow him to sign the annual report that is due to the EPA today. Second – C. Deorocki; all in favor. MOTION CARRIED

As part of the requirements, J. LaBranche will be meeting with the Planning Board on Thursday, October 03, 2019. The erosion and sediment control articles in the Site Plan Review and Subdivision Regulations must be MS-4 compliant. J. LaBranche will prepare a memo outlining changes that need to be made. Those changes can be adopted at a public hearing because it will be an amendment to the regulations. Stormwater Management regulations will also need to be reviewed.

MS-4 documents will be on the Town's website. Information will be included in the vehicle registration mailings from the Town Clerk. They will also be giving out a pet waste flyer when dogs are registered.

II. PUBLIC COMMENTS

Individuals wishing to speak must sign in prior to the meeting. Time limit: 3 minutes per individual. The total time allotted shall not exceed 20 minutes, unless extended by the Board.

There were no public comments.

III. APPROVAL OF MINUTES

1. Monday, September 16, 2019

MOTION: C. Deorocki moved to approve the minutes of Monday, September 16, 2019. Second – R. Hussey; all in favor. MOTION CARRIED

IV. OLD BUSINESS

1. Coakley Update

There was no update.

2. Weeks Library Update

The Town Attorney has forwarded M. Scruton the Joint Proposed Order and Joint Request for Final Approval from the NH Superior Court; floor plans for the Library addition were also included. The news of the recent week was that the location of the Weeks Library has been declared through the courts as Town property, free and clear. The Board was in agreement that when the Library decision was made by the court, the Building Inspector and Fire Inspector could move forward with their reviews. Beverly Kowalik has been contacted and informed that she can move forward with the life safety review.

3. Veterans Memorial

Over the last few years, the previous Board of Selectmen approved names to be included on the Veterans Memorial in Remembrance Park. Chair Hussey recently checked to make sure those names had been added; they were not. Previously submitted names included their DD214's and met the requirements. Chair Hussey would like to give the Town Administrator permission to have the names engraved on the memorial as well as any names approved by the Selectmen in the future.

MOTION: J. Rolston moved to authorize the Town Administrator to have the names engraved on the Veterans Memorial in Remembrance Park as well as any names approved by the Selectmen in the future. Second – R. Hussey; all in favor. MOTION CARRIED

4. Personnel Policy Updates

At the last meeting, Chair Hussey suggested additions to the Personnel Policy for Ownership of Work Product and Personal Use of Town Equipment. M. Scruton asked the Board if they were ready to move forward. Samples of Ownership of Work Product and Personal Use of Town Equipment policies were provided.

C. Deorocki stated he liked the Personal Use of Town Property: employees are not to borrow or use town tools or equipment for personal reasons under any circumstances. That's the way it should be. Chair Hussey liked the last Ownership of Work Product at the top of the second page (copy on file). Chair Hussey explained that in the past, documents were taken by a person no longer working for the Town and had to be rebuilt from scratch. He continued that he liked Item 706 from Amherst, Return of Property (copy on file); C. Deorocki was in agreement. M. Scruton stated that based on the Board's input, policies would be created for their review.

5. Other Old Business

Timber Tax Warrant: The Timber Tax Warrant for 340 Breakfast Hill Road (Map R1, 13B) was received. The Yield Tax on the timber cut is \$17.67.

MOTION: R. Hussey moved to approve the Timber Tax Warrant for 340 Breakfast Hill Road (Map R1, 13B) in the amount of \$17.67. Second – S. Smith; all in favor. MOTION CARRIED

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Crosswalk at Greenland School: C. Deorocki asked M. Scruton to discuss the crosswalk with the Board. The Board requested that M. Scruton look into putting up a crosswalk signal similar to the one near Bramber Valley (Post Road entrance). Underwood Engineering provided preliminary estimates that indicate the project cost would be \$40,000 to \$60,000 (including engineering at \$7,300); that would be a Town expense because it would be above and beyond what was there. M. Scruton felt the Town could get the white striping back at no cost. C. Deorocki clarified that for the record the additional cost of \$40,000 to \$60,000 would be for anything above and beyond. R. Hussey noted there is ADA access on both sides of Post Road. C. Deorocki stated it was being fiscally responsible; he hated to say it because it was a busy road. Personally, he was for it. He asked about the cost of a part-time crossing guard. J. Rolston stated it would be an ongoing expense. C. Deorocki stated he was just putting it out there. J. Rolston wanted to go back to having the line and sign indicating "school crossing".

Crosswalk – Rt. 33/Rt. 151: M. Scruton informed the Board that the Rt. 33/Rt. 151 crosswalk would be more expensive than the school crossing. This crosswalk will involve a lot of engineering and equipment. Based on all requirements, the cost could be well over \$100,000. M. Scruton asked the Board if they wanted to pursue the crosswalk or if he should contact the State to have them put the white stripes down. The Board was in agreement to keep it "status quo".

Fire Department Building Committee: Chair Hussey read a prepared statement recommending the Selectmen vote to dissolve the Fire Department Building Committee (copy on file). The Building Committee had completed most of the work on the building design. Members of the Board wanted to avoid the appearance of electioneering; there was a complaint filed with the Attorney General's Office after the March 2019 Town Meeting. Chair Hussey thanked the members of the Building Committee for the hours they committed to the project.

MOTION: Chair Hussey moved that effective immediately the Fire Department Building Committee be dissolved and that the remaining work to be done on the engineering be managed by the Town Administrator in consultation with the Fire Chief, Building Inspector and Board of Selectmen. Second – J. Rolston; three in favor, two opposed (R. Hussey, S. Smith). MOTION CARRIED

C. Deorocki asked the date the Board of Selectmen put the committee back together; Chair Hussey responded April 15, 2019. C. Deorocki asked what the vote was at that meeting. *Note: the vote at that meeting was three in favor, one opposed (C. Deorocki), one abstain (J. Rolston)*. M. Scruton noted the original committee was established on August 20, 2018. The committee was re-established after Town Meeting because there was a new Board.

Chair Hussey stated that he didn't want to be involved with the Attorney General again. He felt this was the same process as last year. They can meet in a private home but cannot use the Town. He did not think it would be a slap on the hand if the Town got caught.

V. NEW BUSINESS AND ADMINISTRATIVE

1. Other New Business

C. Deorocki noted a safety issue at the intersection of Great Bay Road and Bayside Road. The railroad company has stacked up railroad ties so high that you had to come onto the tracks to stop to look to your right. It's a safety hazard. C. Deorocki continued that he lived on the tracks so he knows they're doing a lot of construction, a lot of trucks and freight trains. He would hate to have someone get hit by

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something. M. Scruton stated that he would reach out to Boston and Maine. The Board asked that Chief Laurent reach out to Boston and Maine and have them take half the stack and put it on the ground.

VI. ACCOUNTS PAYABLE – THURSDAY, OCTOBER 03, 2019

1. Payroll Manifest 20

MOTION: R. Hussey moved to approve Payroll Manifest 20 in the amount of \$58,152.98. Second – J. Rolston; all in favor. MOTION CARRIED

2. General Fund Manifest 20

MOTION: S. Smith moved to approve General Fund Manifest 20 in the amount of \$641,864.88 (School - \$400,000). Second – J. Rolston; all in favor. MOTION CARRIED

VII. NON-PUBLIC

MOTION: Chair Hussey moved to enter into non-public session at 8:06 p.m. Second – J. Rolston; all in favor. Roll call vote: Chair Hussey – yes; C. Deorocki – yes; J. Rolston – yes; R. Hussey – yes; S. Smith – yes. MOTION CARRIED

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

Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

MOTION: Chair Hussey moved to remain in non-public session at 8:17 p.m. Second - J. Rolston; all in favor. Roll call vote: Chair Hussey – yes; C. Deorocki – yes; J. Rolston – yes; R. Hussey – yes; S. Smith – yes. MOTION CARRIED

2. RSA 91-A:3, II(e)

Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this Board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled.

Public session reconvened at 8:25 p.m.

VIII. ADJOURNMENT

MOTION: J. Rolston moved to adjourn at 8:26 p.m. Second – C. Deorocki; all in favor. MOTION CARRIED

NEXT MEETING

Tuesday, October 15, 2019 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Administrative Assistant

Approved: