



BOARD OF SELECTMEN
Town of Greenland • Greenland, NH 03840
11 Town Square • PO Box 100
Phone: 603.431.7111 • Fax: 603.430.3761
Website: greenland-nh.com

MINUTES OF THE BOARD OF SELECTMEN

Monday, June 08, 2020 – 6:30 p.m. – Virtual via Zoom

Members Present: Jamie Connelly, Rick Hussey, Jim Rolston, Steve Smith, Rich Winsor

Also Present: Matthew Scruton - Town Administrator

Chair Smith opened the Board of Selectmen meeting at 6:30 p.m. A roll call was taken; it was announced a quorum was present and the meeting was being held virtually through Zoom and recorded by video and audio. A checklist to ensure meetings are compliant with the Right-to-Know Law during the State of Emergency was read into the record by Chair Smith.

Attendance of Selectmen was taken by roll call: J. Connelly - aye, R. Hussey - aye, J. Rolston - aye, R. Winsor – aye, S. Smith - aye.

I. APPOINTMENT

1. COVID-19 Update, Grants: Dennis Cote, Emergency Management Director

Dennis Cote, Emergency Management Director, updated the Board on COVID-19. The numbers have stabilized over the last few days; we are entering a new phase allowing the public to be out and about. Sports: there are no competitive games scheduled at this time. Krasko Field and Maloney Field are being used for practice only. There are lengthy stipulations that have to be followed before organized sports can start practice sessions. D. Cote has spoken to Sharon Hussey-McLaughlin, Rec Director, and has given her the link to guidelines for recreational sports. Churches have also opened with restrictions. The Town Hall may receive complaints of non-compliance to various guidelines and restrictions. A decision will have to be made how to handle any complaints.

D. Cote stated he has had discussions with the staff at the Town Hall about opening to the public and the precautions that need to be put in place. He will prepare protocols that should be in place. D. Cote is confident the Town Hall can enter into the next phase of opening but is not confident it is a “done deal” once the State is into Phase II. With more activity, there could be a jump in numbers. Many states are seeing a dramatic increase in COVID cases.

D. Cote reported that the application process for grants has been started. The FEMA Grant covers the majority of some of the adjusted services and supplies purchased. The stipend grant has gone through each department head. After the taxes are known, the Town can file through the CARES Act Grant for reimbursement of taxes for the first responders stipend.

R. Winsor asked who would monitor and manage the restrictions on the athletic fields. When do they need to be in place? To what extent does monitoring need to be done? D. Cote responded that monitoring could be done by the Recreation Department; they would be assigning field times and

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allowing use of the fields. There will need to be a training session with the coaches. Each team may need to discuss the COVID safety requirements before sports start.

Responding to R. Winsor's question, D. Cote stated there needed to be a discussion about how policing was going to be done and who would be policing in case there were any issues and/or complaints. There is a link on the State's website to the Attorney General's Office; D. Cote did not feel this would be an issue for the Attorney General's office but rather self-policing. R. Winsor stated if there was a complaint, the action would be to notify the Rec Department. D. Cote felt it should start at the Rec Department or be done simultaneously with the Town. He continued that the guidelines are very explicit on what is permitted. R. Winsor suggested complaints be collected by TA Scruton; he would immediately notify the Rec Director. D. Cote added if there is a recurring complaint about a particular team, that team should be observed. If complaints are filed with the Town Hall, he could compare the complaint to the guidelines. R. Winsor summarized that the complaint would be directed to TA Scruton, he would immediately notify the Rec Director and D. Cote; the complaint would be reviewed by D. Cote and compared to the guidelines. The Board of Selectmen would be advised of complaints. D. Cote stated there needed to be some leniency due to the exorbitant number of guidelines.

Sharon Hussey-McLaughlin, Rec Director, joined the meeting. She stated the Rec Department was not ready to open anything up but may be within the next couple of weeks. The COVID requirements will be discussed at the coaches meeting that is always held prior to the start of programs. S. Hussey-McLaughlin stated in the past they have contacted the Police Department with any problems they could not handle.

Chief Laurent joined the meeting, stating they have received some complaints about businesses that were supposed to be closed and have worked with the Attorney General's Office. There is a law that states if the Governor's specific orders are not followed the individual can be prosecuted.

J. Rolston stated he would like to see the Town Hall open to the public. There are plastic shields in place and he would not have a problem with face masks being required. He felt the current process was very unproductive and unsafe for employees opening the door to talk to people. He stated it would be better for people to come into the building and have the partitions between them. D. Cote responded that probably next week one person could be allowed in the tax area. His concern was with people coming in to review files and plans. The Conference Room could be used by appointment; the room would have to be sanitized. Until safeguards and policies are in place for all personnel, D. Cote did not recommend opening the building. That would be part of Phase II which does not begin until June 15th. D. Cote did not recommend a motion for the Town Hall to open June 15th; the safety measures and policy needed to be in place. There will also need to be enough supplies available to disinfect during the day.

Chair Smith requested further discussion be tabled until the next meeting on Monday, June 22, 2020 when guidelines would be in place. R. Winsor asked if temperatures would need to be taken; D. Cote stated it would not be a bad idea to use a point and click thermometer and a log be kept. R. Winsor wanted to be sure a log did not violate any privacy laws.

MOTION: Chair Smith moved to table further discussion of opening Town Hall to the public for business until Monday, June 22, 2020. Second – J. Connelly; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

2. Conservation Commission Appointment

Brad Lajoie, 16 Sanderson Road, has requested an appointment to the Conservation Commission. He is recommended by the Conservation Chairman, Laura Byergo. There are currently six members on the Commission; the RSA allows seven. His appointment will expire in March 2023.

Brad Lajoie and Laura Byergo joined the meeting. L. Byergo gave a brief background of B. Lajoie stating he would add another type of voice to the Conservation. B. Lajoie introduced himself to the Board, adding to L. Byergo's statements.

MOTION: R. Winsor moved to appoint Brad Lajoie to the Conservation Commission, term to expire March 2023. Second – J. Connelly; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

II. PUBLIC HEARING

1. Acceptance of Donation

The Town received a Honda ATV from Roger Mooers, 10 Shore Drive, as a donation. R. Mooers contacted the Town about disposing of the ATV at the Transfer Station, however, ATV's are not accepted there. After discussion with TA Scruton, R. Mooers donated it to the Town. TA Scruton has contacted the Rec Director; she expressed interest in the ATV for use at the fields. After she discussed it with the Rec Committee, they asked the Town to accept the ATV as a donation.

MOTION: J. Connelly moved to accept the donation of a Honda Recon ATV from a resident for use by the Rec Committee. Second – J. Rolston; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

There is an Artic Cat ATV (larger machine) in the garage that will be shared by the Police and Fire Departments. Chief Laurent joined the meeting stating it would be helpful in the case of remote situations. TA Scruton stated if the Rec Committee did not want the Honda ATV that was donated to the Town, he would have suggested it be listed as surplus equipment to be sold. There is an ATV rake in the garage that the Rec Committee would like to use in tandem with the ATV to drag the fields.

III. 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.

Chair Smith stated there was a comment from Tim Collins who would like to open the Transfer Station with no more police. A public comment from T. Collins was included in the Board's informational packet regarding the paving project at Cemetery Lane and the Fire Department budget (copy on file).

R. Winsor, referring to Cemetery Lane, stated he would love to hear T. Collins' input on what the Town can do better and "take-aways" they could learn from. Chair Smith will contact T. Collins to schedule a meeting.

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On behalf of the Board of Selectmen, Chair Smith thanked the following towns for assisting with the recent fire at Kellie Brook Farm on Sunday, May 31, 2020: Portsmouth, Rye, Newington, North Hampton, Pease Air National Guard Base, Stratham, Hampton, Kittery, Newmarket, New Castle, York, Hampton Falls, Durham, Dover, Newfields, Eliot, Kensington, Seabrook and Epping. Rt. 33 was closed due to the number of fire trucks on the scene. Chair Smith also thanked Chief Laurent and the Police Department for their assistance in closing off roads.

IV. APPROVAL OF MINUTES

1. Wednesday, May 27, 2020

MOTION: R. Winsor moved to approve the minutes of Wednesday, May 27, 2020. Second – J. Connelly; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

V. OLD BUSINESS

1. Weeks Library Update

The Board of Selectmen received a report regarding the concrete reinforcing and an update from the Building Inspector. Chair Smith reported a portion of the electrical conversion was done earlier in the day. Marcia McLaughlin, Library Trustee Chairman, joined the meeting and stated that construction is on schedule and moving forward.

2. Weeks Library Bond

At the request of the Board, the Town Treasurer contacted Cambridge Trust. TA Scruton contacted DRA; they indicated that the Board could refinance as long as the total amount does not exceed the initial amount approved by the voters. Going back to Town Meeting would not be required for refinancing, renegotiating the existing bond, or paying off the bond and getting a new bond as long as it did not exceed the original amount approved.

The Town Treasurer's note to the Board indicated that the current rate was quite good. She was unsure it was worth changing the Town's bank relations with Provident Bank hoping to get a lower rate with Cambridge Trust. Responding to a question from R. Winsor, TA Scruton stated that the representative from Cambridge Trust did not provide any additional rates. TA Scruton continued that he looked at some notes from North Hampton when they discussed a 20-year bond for their Library; their max interest rate cap was 3%. TA Scruton felt a rate would not go below 3%. The current bond is a 20-year note for \$2.9 million.

J. Connelly stated he had done some research and found that banks were not going below 3%. He appreciated all the research that was done; he did not think anything would be available under 3%. He questioned if it was worth changing everything for .14%. J. Rolston agreed.

MOTION: J. Rolston moved to keep the current bond with Cambridge Trust. Second – R. Hussey; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

R. Winsor clarified for those listening that the difference between a 3% and 3.14% loan for that term would be approximately a \$45,000 to \$50,000 delta along the cumulative path of the loan. Fees would

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more than likely add up to that amount. Chair Smith agreed that it would not be worth putting the banking of the Town in turmoil for .14%.

3. Coakley Update

The Board received a copy of the minutes of the Coakley meeting held on May 06, 2020 as well as the agenda for the upcoming meeting on June 11, 2020. Information regarding drinking wells was included.

4. Welfare Agreement with City of Portsmouth

TA Scruton explained that the rates have not changed in the new proposal. In 2019, the Town spent \$150 for welfare services handled by the City of Portsmouth; in 2020 that amount to date is \$50. The amount of assistance paid by the Town directly to the residents is \$2,575 this year to date.

TA Scruton encouraged the Board to renew the Welfare Agreement with the City of Portsmouth; it is working and reduces the likelihood of a welfare applicant double-dipping by seeking assistance from multiple communities.

MOTION: J. Rolston moved to approve the Welfare Agreement with the City of Portsmouth; the contract period is July 01, 2020 through June 20, 2021. Second – J. Connelly; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

5. Roadside Mowing

Sewall Enterprises has been doing the Town's roadside mowing since at least 2012. They are proposing to do roadside mowing this year using their heavy equipment to mow the side of the road clearing brush and low branches. The Town does not own the equipment needed to do roadside mowing. Sewall Enterprises is familiar with the Town roads that need to be cut back; State roads will not be done. Sofia Way and the public portion of Bramber Valley Drive have been added to the list of Town roads. This year's cost increased to \$4,000; last year the cost was \$3,825. TA Scruton stated their rate has remained essentially flat over the years, and it was a very good rate. He recommended the Board approve the roadside mowing by Sewall Enterprises.

MOTION: R. Hussey moved to approve the roadside mowing by Sewall Enterprises not to exceed \$4,000. Second – J. Rolston; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

6. Town Equipment

TA Scruton thanked J. Connelly for providing information about government liquidation auction websites. TA Scruton researched several websites; Municibids has the State contract for New Hampshire online surplus auctions. They also handle a number of other communities, including Portsmouth. Comparing the various websites, they are similar to eBay for government surplus items. TA Scruton stated he liked their set up and fees--they do not charge the Town for their services; bidders are charged a flat 9% buyer's premium fee.

TA Scruton and Chair Smith put together a list of equipment for Board consideration to sell through online auctions. The Budget Committee suggested selling some of the Town equipment during budget season, providing revenue to the Town. Equipment that sits will be less valuable than it is now. TA

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Scruton commented if the Board wanted to bring mowing back in-house, it would not make sense to sell any of the equipment. However, if the Board felt outsourcing was currently working, it would make sense for some of the equipment to be sold. Most of the equipment is landscape oriented. TA Scruton recommended using Muncibids if equipment was to be sold; it would be fair market value and no cost to the Town. Chief Cresta and Chief Laurent requested some of the items on the list (emails are on file). Chair Smith noted the equipment has not been used for at least a year. He agreed with TA Scruton: the longer it sits without being used it will lose its value. Chair Smith reviewed the items on the list with the Board.

R. Winsor stated that in previous discussions, the Board wanted to wait a year before re-evaluating and deciding on the Property Maintenance position. He agreed there would be minor depreciation if the Board decided to keep the equipment for another year. It would cost more to replace the equipment if the Board decided to reinstate the position. R. Winsor stated he would be happy to help maintain the equipment to weather another year. He added if the salt spreader has not been used, the Town should consider selling that piece of equipment. J. Connelly stated selling the equipment was being rushed and agreed with R. Winsor to wait a year. He did agree with selling the salt spreader. If Jones was doing all the salting and plowing, why did the Town need a salt spreader.

J. Rolston stated the Board had discussed contracting out mowing and there was a significant savings and was more cost effective. They have done an excellent job with the mowing. J. Connelly noted the discussion was tabled to be re-evaluated and discussed in mid-July. R. Winsor agreed stating the gaps were unknown.

MOTION: R. Winsor moved to sell the salt spreader via Muncibids to the highest bidder. Second – J. Connelly

Discussion: TA Scruton stated that the previous Property Maintenance Supervisor used a salter/sander on a regular basis but it broke. The spreader on the list was the replacement for the one that broke and that is why it had little use. If the Board's intent was to wait a year before liquidating equipment used in that position, TA Scruton recommended holding on selling the salt spreader. If the position was reinstated with the same responsibilities, the equipment would be used. Based on this discussion, R. Winsor withdrew his motion; J. Connelly withdrew his second.

MOTION: R. Winsor moved to table further discussion until a final decision was made on the Property Maintenance Supervisor position, the first meeting in June 2021.

Discussion: J. Rolston asked for clarification: was the position going to be budgeted? R. Winsor responded that the Board did not know if the position was going to be budgeted. Chair Smith stated it was a discussion for another time. J. Connelly noted the line item was still open for \$1 in the budget. R. Hussey commented that a member of the Budget Committee recommended looking into liquidating the equipment.

MOTION: R. Winsor moved to table further discussion until a final decision was made on the Property Maintenance Supervisor position, the first meeting in June 2021. Second – J. Connelly; roll call vote: J. Connelly - yes, R. Hussey - no, J. Rolston - no, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

TA Scruton requested clarification on the scrap items in the loft: old desks and cabinets that have no value. J. Connelly suggested contacting Second Generation or donating the items. If the items were not worth donating, he recommended scrapping them. Chair Smith noted that the Finance Director would

like a couple of file cabinets. TA Scruton will contact Second Generation and put items near the garage marked “free”. Anything not picked up will go to the Transfer Station. J. Rolston questioned the Town’s liability if someone was injured on something that was given away. TA Scruton responded it could go back to the manufacturer but the Town would likely not have any liability. The Board agreed that TA Scruton could contact Second Generation and give away any remaining items.

7. Other Old Business

There was no other old business to discuss.

VI. NEW BUSINESS AND ADMINISTRATIVE

1. Conservation Easement: Portsmouth Well Area

The City of Portsmouth has been trying to purchase the land adjacent to Maloney Field. Attorney Loughlin, Town Attorney, has reviewed a conservation easement deed proposal from the City of Portsmouth. The City of Portsmouth would like Greenland to be the easement holder; Attorney Loughlin referred to it as a “win-win situation”: if Portsmouth has the easement on the property, it would protect the adjacent open space reducing the liability of the well and protected the water.

TA Scruton explained the City of Portsmouth wanted the easement because the NH Drinking Water and Groundwater Trust Fund will assist funding the purchase of the adjacent property if there is a conservation easement for perpetuity to protect the water. Greenland will get assurance that the property will remain open space and protection of the water supply. Attorney Loughlin reviewed the deed and could not find any reason for it not to be accepted and help Portsmouth purchase the land adjacent to Maloney Field.

J. Connelly questioned the impact on the Rec Committee revitalizing Maloney Field. Chair Smith clarified the area in question is separate and is more northerly of Maloney Field and off Park Avenue. TA Scruton further explained that the protection area around the well would not change. There are existing restrictions at Maloney Field within a specific number of feet around the well. Portsmouth paid for fencing around the well radius to protect the area from parking on Maloney Field. TA Scruton did not feel it would impact any future plans for the property due to restrictions that are already in place.

L. Byergo joined the meeting and asked if monitoring the area would fall to the Conservation Commission. Chair Smith clarified that the area did not include the pond, which is a different property. TA Scruton noted that under permitted activities “outdoor recreation conducted in accordance with the stewardship plan prepared for the property and with the State of New Hampshire best management practices when applicable” would be an allowable use. It may be possible for people to walk or hike the area if allowed by Portsmouth. The Town would need to monitor if the land stays in compliance, however, Portsmouth will have to do due diligence to ensure the property is in compliance and they should be doing the “lion’s share of the work”.

R. Winsor asked for clarification on Greenland’s responsibility for policing and maintaining the property in perpetuity. He also suggested a second review or opinion. Attorney Loughlin works for both towns and R. Winsor perceived that as a bit of a conflict and would like an unbiased opinion. R. Winsor was uncomfortable with Attorney Loughlin representing both sides. TA Scruton referred to Section C – Breach of Easement/Remedy, Item 2. It gave the Town enforcement ability on any violation on the property to pursue any legal remedy. R. Winsor stated that he did not want legal remedy or the

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responsibility. If any burden was placed on the Town of Greenland, he wanted nothing to do with it. This was the City of Portsmouth's to manage. TA Scruton advised the Board that if they did not want Greenland to assume any liability, they should vote "no" on the easement. It required the Town to monitor the easement and take action should the Town see a violation. TA Scruton explained that even though the land belonged to Portsmouth, Greenland would have the right to pursue legal action against anyone in violation of the easement terms (Item C – Breach of Easement/Remedy, Item 2).

R. Winsor added it would become the Town's "cross to bear" in perpetuity. He would be open to an amended agreement in which the Town was not responsible for the property in perpetuity and monitoring the use. TA Scruton noted the fences were on Maloney Field which were installed to protect against parking in the well protection area on the Town's property. TA Scruton added Greenland was not the only possible easement holder. Portsmouth could approach Southeast Land Trust to hold the easement. TA Scruton explained that if a third party held the easement, it would be advantageous for Greenland; the Town would not have the monitoring responsibilities but would have the benefits of the easement which included the protection of the land.

MOTION: R. Winsor moved to not approve holding the Conservation Easement Deed for the City of Portsmouth for the property Portsmouth is acquiring next to the well by Maloney Field. Second – J. Connelly; roll call vote: J. Connelly - yes, R. Hussey - no, J. Rolston - no, R. Winsor – yes, S. Smith - no. MOTION FAILED

Discussion: J. Connelly was unfamiliar with easements and was looking for guidance. Looking at the face value, he agreed another legal opinion was needed. J. Rolston stated that the City of Portsmouth had their own lawyers and did not understand where there was a conflict. R. Winsor gave a very brief explanation of Attorney Loughlin's involvement with the City of Portsmouth. TA Scruton asked for direction from the Board if the Town should pursue the easement with a second legal opinion of the deed. R. Winsor asked the Board to weigh out the benefit and liability to the Town if the easement were accepted. R. Hussey stated it would benefit the residents on the well to make sure it was protected and there was safe drinking water. R. Winsor stated it is not a matter of protecting the water; either way it will be protected. Someone will hold the easement and have the responsibility. TA Scruton added that if Portsmouth did acquire the property, it would become exempt from taxation. R. Hussey would like more information and any benefits to the Town.

MOTION: R. Hussey moved to table further discussion until more information regarding the easement was available and how the Town would benefit. Second – J. Connelly;

Discussion: R. Winsor stated that a donated piece of land to the Town would have no benefit. Whether the easement was held by the Town or a third party would be a non-taxable event. TA Scruton will check with the Town Clerk regarding the tax status. Chair Smith noted the parcel was 3.11 acres.

MOTION: R. Hussey moved to table further discussion until more information regarding the easement was available and how the Town would benefit. Second – J. Connelly; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

2. Other New Business

Expense reports will be emailed to Selectmen on Tuesday, June 09, 2020. R. Winsor suggested an E-Signature platform signing documents during COVID, especially for a deadline. Chair Smith stated it

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could be researched. J. Rolston was unsure if there was a real problem signing those documents. J. Connelly stated each member could sign into a portal on the website to sign documents.

VII. ACCOUNTS PAYABLE – THURSDAY, JUNE 11, 2020

Note: Due to COVID-19 and meetings held virtually by Zoom, manifests are signed prior to the meeting.

1. Payroll Manifest 12: \$63,455.99
2. General Fund Manifest 12: \$77,327.63
3. Capital Fund – Library Manifest 03: \$142,119.10
4. Police Special Revenue Manifest 07: \$42,016.80
5. Ambulance Special Revenue Manifest 04: \$310

VIII. ADJOURNMENT

MOTION: J. Connelly moved to adjourn at 8:20 p.m. Second – R. Winsor; roll call vote: J. Connelly - yes, R. Hussey - yes, J. Rolston - yes, R. Winsor – yes, S. Smith - yes. MOTION CARRIED

NEXT MEETING

Monday, June 22, 2020 – To be Announced

Submitted By – Charlotte Hussey, Administrative Assistant

Approved: