



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, September 22, 2014 – 6:45 p.m. – Town Hall Conference Room

Members Present: Chair John Penacho, Kevin Forrest, John McDevitt, Vaughan Morgan, Mo Sodini

Staff: Karen Anderson – Town Administrator

Chair Penacho opened the Board of Selectmen meeting at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

I. 6:45 p.m. NON-PUBLIC [RSA 91-A:3, II(d)]

1. Chip Hussey, Conservation Commission Chairman: Land Purchase

MOTION: M. Sodini moved to enter into non-public session at 6:45 p.m. Second – V. Morgan; all in favor.
MOTION CARRIED

MOTION: K. Forrest moved to seal the minutes. Second – V. Morgan; all in favor. **MOTION CARRIED**

MOTION: V. Morgan moved to return to public session at 7:05 p.m. Second – K. Forrest; all in favor.
MOTION CARRIED

Chair Penacho opened the Board of Selectmen meeting at 7:05 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

II. APPOINTMENTS

1. Atty. R. Timothy Phoenix: 885 Portsmouth Avenue – Storage Container

T. Phoenix addressed the Board. He was representing the tenant at 885 Portsmouth, Dave Osterhoudt. They were requesting a permit for a storage container for one year while he continues to work on the property and make repairs to the home. In 2012, D. Osterhoudt was granted a building permit by the previous Building Inspector. In 2013, he was told that he needed a permit for the container; he submitted a building permit and was denied by the Board of Selectmen because there was no active building permit. The Notice of Denial was sent to the property owner, and D. Osterhoudt was unaware until the current Building Inspector notified him approximately one month ago that the container had to be removed. T. Phoenix met with the Building Inspector and was granted an extension until October 01, 2014, pending the decision of the Selectmen.

T. Phoenix read Article 3.7.5 (Storage within Truck Bodies, Trailer Vans or Cargo Vehicles) of the Ordinance. He told the Board that it was a conex container and not a truck body, trailer van or cargo

vehicle. It's a stand-alone item that has to be put on something else in order to be moved. He agreed that it's on the site to store materials similar to a truck body, trailer van or cargo van. He questioned with the way the ordinance is written, if it meets that definition. Pictures of similar containers around Town submitted as part of the packet were reviewed.

T. Phoenix asked the Board to reconsider their decision of last year and grant D. Osterhoudt the permit for one year. He continued that D. Osterhoudt is aware if he needs another permit at the end of that year, he will need to show some significant effort that repairs were made.

Responding to a question from M. Sodini, T. Phoenix stated that the original building permit expired last year; D. Osterhoudt applied for a building permit for work on the house within the last two weeks and was denied; the Building Inspector felt it was too broad, and suggested it be done in stages. The Town Administrator stated she has not received any complaints about the container. In 2012 D. Osterhoudt was told by the previous Building Inspector that he needed a permit to be approved by the Selectmen for the container. The Building Inspector passed away and D. Osterhoudt never came back for a permit; it has never been permitted.

Chair Penacho stated that when they denied the permit, it had expired. The Board is flexible with containers as long as there is a deadline and it is complied with. Chair Penacho added for a building permit is approved, it must clearly delineate the project scope and a deadline is required. The town will not continue issuing building permits without significant progress made on the project. T. Phoenix requested an extension to obtain a building permit be granted, with the understanding if he has to come back next year visible progress will be made.

D. Osterhoudt gave the Board a brief background of the house. He's been living there since October 2011. The storage container has been in place since the summer of 2012, prior to the previous Building Inspector issuing a permit. The current Building Inspector has requested a detailed description of all work to be done; separate permits must be issued for each portion done.

Chair Penacho suggested a 30 day extension to obtain a permit. They will also speak to the Building Inspector about the permitting process for this project. The Building Inspector explained to T. Phoenix the request was too encompassing and no details were available as to the extent of the work. The Building Inspector wanted to make sure work was in compliance.

The Board will grant a 30 day extension to remove the truck body, contingent upon the applicant applying for a storage container permit and returning to the Board on October 20, 2014.

MOTION: M. Sodini moved to extend the request from the Building Inspector to remove the truck body located at 885 Portsmouth Avenue to October 22, 2014, contingent upon a building permit and request for a storage container being obtained by D. Osterhoudt. Second – K. Forrest; all in favor. ***MOTION CARRIED***

2. David Hagner: Great Bay Drive East & West

D. Hagner gave a history on Great Bay Drive East & West and its status as a public or private right of way. He stated that the single, boldest fact of the conflict was that in 1993, after the Town Meeting warrant article to accept all roads that had been deeded in the previous year, it was voted on April 07, 1993 to accept several roads, among them Great Bay Drive East and Great Bay Drive West. The Town maintained the roads for many years, long enough for a prescriptive easement. Deeds were never received for the roads. At some point the Board of Selectmen changed the road from a Class V road to

an emergency lane; the road was plowed but not maintained. In 2010 there was a warrant article to accept the roads upon conveyance of deeds by those owning a portion of the road. D. Hagner has spoken to Tom Brackett about deeding the road over to the Town. He is ready to deed the road over, "as is, where is and tar to tar" referring to Great Bay West and Great Bay Drive East. D. Hagner has always believed the road to be public, accepted and maintained by the Town of Greenland. The tarred portion of the road is approximately 15' wide. M. Sodini objected to the 15' road, stating that the Town needs more than tar to tar fix drainage or have two vehicles pass. D. Hagner felt the Town should accept what T. Brackett offers and work with it.

Chair Penacho agreed with M. Sodini. If the Town doesn't own the section of road where the culverts are located and they are not maintained, the road will be undermined over time and there will continuously be an issue. He continued that he would not accept a tar to tar deed. Further, the road had to be accepted by the Planning Board before it could be accepted by the Town.

D. Hagner appealed to the Selectmen to find a way to serve the majority of tax paying residents who purchased their homes with the understanding that it was a Town road. M. Sodini read the warrant article voted on at Town Meeting in 2010 and suggested that in the event the Town receives the deeds from T. Brackett and D. Hagner, and the Planning Board recommends the road, the Selectmen will accept the road. J. McDevitt added the Town Attorney would need to give his opinion.

D. Hagner further stated that if the benefit to the general public exceeds the benefit to the landowners along the emergency lane, then funds can be designated for maintenance. He added that Great Bay East and West were the closest to the estuary and suggested seeking federal monies for a permeable surface similar to Target. J. McDevitt recommended giving back to Town residents, i.e. access to a boat ramp.

D. Hagner stated that he would like to deed over his 30' right-of-way. The Town Administrator told the Board that by accepting the 30' right-of-way it would create two separate lots for D. Hagner; he wasn't concerned. J. McDevitt was concerned about the size of the road and expense of bringing it up to Town standards. However, at the 2010 Town Meeting the warrant article was to accept the road in its current condition. Chair Penacho stated that the Board would need to review and wait for T. Brackett to deed over his section.

MOTION: M. Sodini moved to allow the Town to maintain Great Bay Drive East and Great Bay Drive West for emergency vehicle access for the 2014-15 plowing season. Second – V. Morgan; all in favor. MOTION CARRIED

D. Hagner gave the Town Administrator his 30' deed for the Town.

3. Coleen Penacho, Trustees of Trust Funds Chairman: Church Clock Repair

Coleen Penacho addressed the Board on behalf of the Greenland Congregational Community Church. They are repairing the clock in the church that is owned by the Town. There was a warrant article at the 2013 Town Meeting to allow up to \$2,500 for repairs for the clock. They recently learned that the clock is gilded; it was struck by lightning and the gilding burned off. The church would like to restore the clock to its original gilded state.

The Trustees of the Trust Funds received a letter requesting funds from the Greenland Historical Society, which disbanded almost a year ago. Approximately \$750 was turned over to the Town when they dissolved. The Historical Society requested the funds be used for a historical purpose.

In March, the Selectmen approved expenditure from that fund in the amount of \$250 for maintenance of the clock, leaving a balance of \$492. The church is requesting the balance be applied to gilding the clock. They realize they will have to raise funds for the remainder. The Town Administrator requested the check be made payable to the vendor. The Town Administrator also suggested the remaining tiles from the Historical Society be given to the church to aid in their fundraising.

MOTION: *K. Forrest moved to use the remaining balance of the Historical Society fund, paid to MMR, for the purpose of the clock restoration. In addition, the tiles from the Historical Society will be given to the church to aid in their fundraising efforts. Second – J. McDevitt; all in favor. MOTION CARRIED*

The check will not be processed until an invoice is received. The Town Administrator would like to notify the Attorney General by the end of the year. C. Penacho will forward a list of Trust Funds and their balances to the Town Administrator for distribution to Selectmen.

III. ADMINISTRATIVE AND OTHER ITEMS

1. Audit Bids

The Town Administrator told the Board that three bids were received: Vachon and Clukay (current auditor) at \$13,730; Plodzik & Sanderson at \$9,505; Melanson Heath at \$15,750. She recommended not staying with the same auditor for more than a six year period. As an internal control, it's good to have new sets of eyes reviewing books. Vachon and Clukay just finished their first three-year contract with the Town.

MOTION: *M. Sodini moved to approve Plodzik & Sanderson for Town auditing services for 2014, 2015, and 2016. Second – K. Forrest; all in favor. MOTION CARRIED*

2. Current Use Warrant Reversal

The Town Administrator explained that the subdivision had been approved and the lot was scheduled to be sold. Due to the recent passing of the landowner, the parcel is now going to stay in the family. The lot still qualifies for current use status.

MOTION: *V. Morgan moved to sign the Current Use Warrant Reversal and any interest that may have accrued for 339 Bayside Road. Second – J. McDevitt; all in favor. MOTION CARRIED*

3. Meadow Lane Walkway Repair

The Town Administrator reminded the Board that the consensus was to authorize the walkway repair upon the waiver being approved by the Town Attorney and signed by the homeowner, which has been done.

MOTION: *V. Morgan moved to approve the payment to the Connelly's walkway repairs at 53 Meadow Lane based on the General Release dated September 17, 2014. Second – J. McDevitt; all in favor. MOTION CARRIED*

4. Veteran's Exemption

The Veteran's Exemption is for a new resident. The exemption will be for the 2015 tax year because it's after April 01.

MOTION: *V. Morgan moved to approve the Veteran's Exemption for the resident at 30 Coastal Way [Map R10, 27D]. Second – K. Forrest; all in favor. MOTION CARRIED*

5. Approval of Minutes: Monday, September 08, 2014

MOTION: *V. Morgan moved to approve the minutes of Monday, September 08, 2014. Second – J. McDevitt; all in favor. MOTION CARRIED*

6. Other Business

- Solid Waste Contracts: Paperwork was included in the packets regarding private collection and Waste Management and Covanta contracts. The Town Attorney has reviewed those contracts as well as the Lamprey Cooperative contract that Waste Management claims binds the Town to paying the tipping fee. He recommended that Lamprey and Waste Management be put on notice that effective January 01, 2015 tipping fees to facilities other than Covanta, per the contract, will not be paid by the Town. The Town Administrator reminded the Board they are behind three payments to Waste Management, due to a previous directive from them.

MOTION: *M. Sodini moved to pay Waste Management the balance due and take the Town Attorney's advice that effective January 01, 2015 the Town only pay tipping fees to Covanta.*

DISCUSSION: Chair Penacho clarified that the Town Administrator will contact Waste Management, informing them that unless waste was delivered to Covanta, tipping fees would not be paid by the Town. The Town Administrator added it will give Waste Management time to contact residents under contract with them that their price will increase for service.

M. Sodini moved to pay Waste Management the balance due and take the Town Attorney's advice that effective January 01, 2015 the Town will only pay tipping fees to Covanta. Second – J. McDevitt; all in favor. MOTION CARRIED

- Soft Draw Summons: Also included in the packet was the summons from Soft Draw Investment; they are appealing their assessment.
- Annual Street Listing: Prepared by the Town Administrator, the list has been updated. When the Property Maintenance Supervisor has finished with the update at the Transfer Station, he will do a drive around and make notes regarding every road and repairs that may be needed.
- Veteran's Memorial: K. Forrest added a name to the memorial. He has additional names that Senator Ayotte's office is verifying.

MOTION: *K. Forrest moved to add Ronald Henderson to the Veteran's Memorial at Remembrance Park. Second – V. Morgan; all in favor. MOTION CARRIED*

- Planning Board: M. Sodini requested that the Building Inspector adjust his schedule so he can attend a Planning Board work session regarding Ordinance changes he has submitted. J. McDevitt will speak to the Building Inspector.

- Circuit Rider: M. Sodini discussed the need for a Circuit Rider. He told Selectmen that the Planning Board would like to post an RFQ for planning services. He would prefer a part-time employee hired by the Town to be utilized as needed. At the Planning Board meeting Glen Greenwood, RPC, stated that Greenland is very busy and could hire its own planner. J. McDevitt stated he would speak with the Planning Board Chairman about posting an RFQ; they need to decide the qualifications. The Town Administrator will draft the RFQ, and meet with J. McDevitt and the Planning Board Chair this week. She added that the Town would not be bound by an RFQ.

IV. ACCOUNTS PAYABLE – THURSDAY, SEPTEMBER 25, 2014

1. Payroll Manifest 20

MOTION: K. Forrest moved to approve Payroll Manifest 20 in the amount of \$41,121.79. Second – V. Morgan; all in favor. MOTION CARRIED

2. General Fund Manifest 20

MOTION: K. Forrest moved to approve General Fund Manifest 20 in the amount of \$92,444.31. Second – V. Morgan; all in favor. MOTION CARRIED

3. Medical Deductible Expendable Trust Manifest 19

MOTION: K. Forrest moved to approve Medical Deductible Expendable Trust Manifest 19 in the amount of \$1,366.73. Second – V. Morgan; all in favor. MOTION CARRIED

V. ADJOURNMENT

MOTION: V. Morgan moved to adjourn at 8:57 p.m. Second – K. Forrest; all in favor. MOTION CARRIED

NEXT MEETING

Monday, October 06, 2014 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, October 06, 2014