



BOARD OF SELECTMEN  
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**MINUTES OF THE BOARD OF SELECTMEN**

Monday, March 10, 2014 – 7:00 p.m. – Town Hall Conference Room

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

*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. APPOINTMENT**

**1. Chief Laurent - Amendment to Noise Ordinance (Snow Removal)**

Chief Laurent reminded the Board that the Noise Ordinance was adopted approximately one year ago. There has been an agreement in place with New England Development (formerly Packard Development), the Town and Planning Board regarding the Target and Lowe's parking lot: snow plowing and removal would not be done between midnight and 6:00 a.m. because of the abutting residential area. Due to an issue last winter, Chief Laurent spoke to the District Manager for New England Development about the agreement. There was a problem recently; Chief Laurent spoke to the District Manager, who hadn't relayed the hours of snow removal to the new contractor.

Although there haven't been many problems with noise from snow removal/plowing, there is nothing in writing for the Police Department to refer to if questioned. Chief Laurent has revised the Noise Ordinance to reflect the area that would be affected: 1440, 1450, and 1460 Greenland Road. This is not a new agreement, but rather putting it into writing for future reference.

***MOTION:*** V. Morgan moved to approve the amendments to the Noise Ordinance as presented by Chief Laurent, and as stated in Section VI, Paragraph A and Section VII, Paragraph G. Second – J. Vitale; four in favor, one opposed (M. Sodini). ***MOTION CARRIED***

**DISCUSSION:** M. Sodini stated that they should appear before the Planning Board, and it should be included on their site plan. He considered the proposed revision to be similar to spot zoning; this would be spot ordinance. M. Sodini continued that everything pertinent to a commercial development should be included on the site plan.

Mary McDonough, Portsmouth Avenue abutting Target and Lowe's: The hours of operation approved by the Planning Board were 6:00 a.m. to midnight. M. McDonough continued that it's not snow plowing, but snow removal.

M. Sodini reiterated that he didn't like spot ordinances for a specific property; it should be part of their site plan or on the mylar, which is recorded with the Registry of Deeds. Chief Laurent reiterated that her department needs something they can refer to for enforcement.

The proposed revision will be sent to the Town Attorney for review.

**MOTION:** V. Morgan moved to rescind the motion to approve the amendments to the Noise Ordinance as presented by Chief Laurent, and as stated in Section VI, Paragraph A and Section VII, Paragraph G. Second – J. Vitale; all in favor. **MOTION CARRIED**

## II. ADMINISTRATIVE AND OTHER ITEMS

### 1. Annual Maintenance of Town Clock – Authorization to use Historical Society Assets

The Town Administrator explained that this will allow \$250 from Historical Society assets to be used for the maintenance of the Town clock in 2013. Funds have been turned over to the Trustees of the Trust Funds. A letter from the Attorney General's Office closing the case has been received.

**MOTION:** V. Morgan moved to approve the amount of \$250 to be paid to David W. Graf for routine maintenance of the E. H. Howard Tower Clock as proposed in an invoice submitted to the Town, dated February 15, 2014. Withdrawal of the funds will be from the Trustees of the Trust Funds – Historical Society. Second – K. Forrest; all in favor. **MOTION CARRIED**

### 2. Copying Deeds from the Registry

Deeds are downloaded from the Registry of Deeds on a weekly basis to update property transfers and changes. Effective March 01, 2014, copies printed from the Registry will now include a watermark which states "Town Copy – Not for Resale"; we will no longer receive a "clean" copy of the deed for a residents file. The Town Administrator explained that by adding that watermark, it's telling the Town not to provide the resident with a copy of their deed. Her concern was the Right to Know law. She continued that if a resident requests a copy of anything in their file, it has to be made available to them. However, if a resident asks the Town to download a copy of their deed and offers to pay, it cannot be done; this was an agreement made with the Registry when deeds were put online. When residents are provided with a copy of their deed, the Town is not selling the copy but complying with the Right to Know law.

The Town Administrator requested permission from the Board to send a letter the Registry, stating the Town doesn't want "Town Copy – Not for Resale" across the deed. The watermark obliterates any wording that may be needed when recording transfers within the Town; it could be placed within the margin if necessary. Other towns are unhappy with the new ruling, and have always provided copies of deeds to their residents if it was in their file. By statute, the Registry must provide towns with one copy of any transfers. The Town has an online account; deeds can be printed once free of charge.

The Board agreed that a letter could be sent to the Registry requesting the watermark be done in a side margin or not at all.

### 3. Veteran's Credit

A new resident on Niblick Lane qualifies through his years of service and medals.

**MOTION:** K. Forrest moved to approve the Veteran's Credit for residents at One Niblick Lane. Second – J. Vitale; all in favor. **MOTION CARRIED**

4. Current Use Releases

**MOTION:** V. Morgan moved to approve the Land Use Change Tax for properties located at 11, 13 and 21 Cushman Way. Second – K. Forrest; all in favor. **MOTION CARRIED**

5. Transfer Station During Town Meeting

The employees at the Transfer Station have requested to attend Town Meeting; they have found coverage for that time. During Town meeting, two people will be manning the Transfer Station. The Town Administrator requested direction for future years. Chair Penacho suggested it be added to the calendar to discuss on an annual basis. Holidays falling on dump days are a major problem.

6. Assignment of Warrant Articles

There was a discussion regarding the compactor at the Transfer Station. Also discussed was recycling being deposited in the incorrect location; Bob Hersey felt attendants should have some authority to pull dump stickers. The Selectmen will take this under consideration.

Mary McDonough, Budget Committee Chairman, will sit in for J. Vitale who is not going to be present at Town Meeting.

ARTICLE	ARTICLE DESCRIPTION	SPEAKING
8	Road Bond	Chair Penacho
9	Operating Budget	Town Administrator, M. McDonough
10, 11	Town Vicinity Land Fund to General Road Maintenance CRF	M. Sodini
12	Fire Truck	V. Morgan, Chief Cresta
13	Discontinue Fire Truck CRF	V. Morgan
14	Fire Department Staffing	V. Morgan, Chief Cresta
15	Ambulance Nitrous Oxide System	M. Sodini
16	Ambulance Billing Admin Expenses	M. Sodini
17	Finishing 2 <sup>nd</sup> Floor of Police Station	V. Morgan, Chief Laurent
18	Exterior Repairs to Police Station	V. Morgan, Chief Laurent
19	Police Equipment CRF	V. Morgan, Chief Laurent
20	Replacement of Salt Shed	K. Forrest
21	Compactor/Container – Transfer Station	K. Forrest
22	Computers – Town Office	K. Forrest
23	Emergency Notification System	Ken Fernald
24	Medical Expendable Trust Fund	K. Forrest
25	Construction Maintenance of Town Property CRF to General Fund	Chair Penacho
26	Recreation Commission Membership	K. Forrest
27	Cemetery By-Laws	David Gill

7. Approval of Minutes: Monday, February 10, 2014

**MOTION:** V. Morgan moved to approve the minutes of Monday, February 10, 2014. Second – K. Forrest; all in favor. MOTION CARRIED

8. Other Business

- Ken Fernald, Emergency Management Director, received a contract for a grant in the amount of \$2,500. The grant is to be used to upgrade the Town's emergency response plan. This is a 50/50 grant; the Town's 50% is "in kind".

**MOTION:** V. Morgan moved to accept the EMPG Grant in the amount of \$2,500. The Town Administrator is authorized to sign the contract for the grant. Second – J. Vitale; all in favor. MOTION CARRIED

- The Town Administrator received a letter from the Federal Railroad Administration stating the tracks had been partially inspected. Some issues have been identified and corrected. The inspection will continue as the snow melts. Chair Penacho did attend the recent meeting; there were many questions about safety. PanAm indicated they planned to upgrade the tracks from Class I (up to 10 mph) to Class II (up to 25 mph). If this does pass, the crossings will need to be inspected for safety and could cost towns money. Area towns will be contacting NHDOT; RPC has agreed to conduct a traffic survey at some of the crossings. PanAm agreed to meet with local Boards and hold public meetings. K. Forrest asked if the Town was going to send a letter to the Newington Planning Board requesting environmental land safety and analysis. The Town Administrator responded that was done by a private group, but could be done; she suggested waiting until after the Newington Planning Board meeting. She continued that some of the differences between Class I and Class II are the percentage of bow allowed and variance of width as well as the percentage of loose ties; there are other variables.
- Snow Removal: Chair Penacho updated the Board on remaining snow removal funds (\$60,990). The Town Administrator added that she's comfortable going into the fall/winter 2014 season with that amount plus the contingency; Thursday's storm could be costly if there's 8" to 10" of snow. M. Sodini suggested that if necessary this could be addressed at Town Meeting on Saturday. Salt is fine (\$67,000); there's not much salt available for purchase.
- Road Bond Bids: After Town Meeting, with a new Board in place, bids will be reviewed. The Town Administrator added that the decision would have to be made by the next Board meeting to lock in the rates. There is no penalty for pre-payment.

III. ACCOUNTS PAYABLE – MARCH 13, 2014

1. Payroll Manifest 06

**MOTION:** M. Sodini moved to approve Payroll Manifest 06 in the amount of \$37,337.42. Second – K. Forrest; all in favor. MOTION CARRIED

2. Payroll Manifest 06-A

**MOTION:** M. Sodini moved to approve Payroll Manifest 06-A in the amount of \$416.66. Second – J. Vitale; all in favor. MOTION CARRIED

3. General Fund Manifest 06

**MOTION:** M. Sodini moved to approve General Fund Manifest 06 in the amount of \$304,631.45 (School - \$130,000). Second – J. Vitale; all in favor. MOTION CARRIED

4. Medical Deductible Expendable Trust Manifest 05

**MOTION:** M. Sodini moved to approve Medical Deductible Expendable Trust Manifest 05 in the amount of \$693.57. Second – J. Vitale; all in favor. MOTION CARRIED

IV. ADJOURNMENT

**MOTION:** M. Sodini moved to adjourn at 8:20 p.m. Second – J. Vitale; all in favor. MOTION CARRIED

NEXT MEETING

Monday, March 24, 2014 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, March 24, 2014