



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

Monday, November 30, 2015 – 7:00 p.m. – Town Hall Conference Room

*Members Present:* Vaughan Morgan, Kevin Forrest, John McDevitt, John Penacho, Jim Rolston

*Staff:* Karen Anderson – Town Administrator

*Also Present:* Tara Laurent – Police Chief, Tim Collins – Emergency Management Director, Ralph Cresta – Fire Chief

Chair Morgan opened the Board of Selectmen meeting at 6:50 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. Peter Loughlin - Town Attorney, Tom & Alison Brackett: Great Bay Drive East & West

Tom Brackett addressed the Board. Also present was Alison Brackett and Attorney Loughlin. T. Brackett stated that Attorney Loughlin had drawn up the Quit Claim Deed and they were prepared to sign. His only concern was how the transfer would affect his current use status. The Town Administrator assured him that his current use ownership status would not be impeded by a street because the law specifically notes that a street does not split ten contiguous acres under the same ownership.

***MOTION:*** J. Penacho moved to accept the Quit Claim Deed from Thomas and Allison Brackett to the Town of Greenland, New Hampshire, for Great Bay Drive East and Great Bay Drive West (Map R13). Further, the Quit Claim Deed does not include Strongs Landing and Birch Point. Second – J. Rolston; all in favor. ***MOTION CARRIED***

J. Penacho noted that the road would never be in compliance with Town standards at 18' wide. All Boards needed to be aware of the non-compliance with the road.

2. Green and Company – Request for Septic Waiver: Age Restricted Housing Development

Green and Company requested a continuance to the meeting on Monday, December 14, 2015. J. McDevitt voiced his concern about the amount of time the reviews were taking.

**II. PUBLIC HEARING – RSA 231:133-a**

1. E-911 Changes: Road Names, Number Changes

Chair Morgan opened the public hearing. Chief Laurent requested that 224 Portsmouth, Fairway Drive and Fairview Terrace be continued to the next phase. They would like to have another look at 224

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Portsmouth Avenue; Fairway and Fairview need to be changed and they don't want to disrupt them twice. Chief Laurent and the 911 representative have also looked at 01 Orchard Hill Road. Driving by from different directions, it's more likely to be considered an Orchard Hill address. The Board was in agreement with the Chief's recommendations. All changes will be effective March 01, 2016.

**MOTION:** J. Penacho moved to change 692, 694 and 696 Portsmouth Avenue to 3, 4 and 9 Kelsey Way; 9 will have individual units. Second – J. Rolston; all in favor. MOTION CARRIED

**MOTION:** K. Forrest moved to change 269 Portsmouth Avenue to 18 and 20 Ocean Road. Second – J. Rolston; all in favor. MOTION CARRIED

**MOTION:** K. Forrest moved to change 2, 8, 14, 19 and 20 Barrett Farm Drive to 10, 24, 38, 27 and 46 Barrett Farm Drive. Second – J. Penacho; all in favor. MOTION CARRIED

**MOTION:** K. Forrest moved to change 2 Hayfield Court to 33 Barrett Farm Drive. Second – J. Rolston; all in favor. MOTION CARRIED

**MOTION:** K. Forrest moved to renumber 6, 10 and 12 Fish & Game Road to 11, 15 and 17 Fish & Game Drive. Second – J. Penacho; all in favor. MOTION CARRIED

**MOTION:** K. Forrest moved to change 58 Moulton Avenue to 31 Moulton Avenue, 2 Moulton Avenue to 2 Lane Avenue, and 1 Lane Avenue to 8 Moulton Avenue. Second – J. Rolston; all in favor. MOTION CARRIED

**MOTION:** K. Forrest moved to change 792, 796, 798, 804, 806 and 812 Portsmouth Avenue to 10, 12, 14, 16, 18 and 20 Pond View Drive. Second – J. Rolston; all in favor. MOTION CARRIED

**MOTION:** K. Forrest moved to change 725 Portsmouth Avenue to 7 Winnicut Road. Second – J. Rolston; all in favor. MOTION CARRIED

There being no further comments or discussion, Chair Morgan closed the public hearing at 7:10 p.m.

### III. ADMINISTRATIVE AND OTHER ITEMS

#### 1. Lane Avenue Street Light

The Town Administrator received a notice from EverSource about repairing the street light on Lane Avenue. She asked Chief Laurent to look at the street light from a safety standpoint because it didn't fit the criteria of an intersection or sharp curve. The Chief didn't have any safety concerns without the light at the end of Lane Avenue. The approximate cost is \$5,000 to repair the light: 150' of road would have to be dug up and conduit installed from the junction box to the light. The other option is to remove the light from service and discontinue the monthly billing.

Rick Cirulli, 11 Lane Avenue: He commented that he was surprised and disappointed that a street light didn't have any safety value. He questioned the details from EverSource and the reference to digging up the street, adding the light was on his property. The street light was in close proximity to the cable box that was destroyed by the Town's snow removal contractor last winter. He added that his mailbox is continually hit by snow removal contractors. R. Cirulli continued that they were not asking for more lights, but to maintain what is there. There are also several small children in that part of the

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neighborhood, in addition to a mentally disabled child. Other street lights, not located at intersections, are in place in Town.

There was concern among Board members about the light being on R. Cirulli's property. The Town Administrator explained that the Town's right-of-way is 50' wide, and the road is paved to 30'; the Town owns 10' on either side of the pavement. R. Cirulli conceded the light may be on Town property.

Chief Laurent told the Board that she looks at the safety of the motoring public on the road. She considered Lane Avenue one of the better roads in Town because it's a dead end, is wide enough, paved well, etc. She added that the light would be a security benefit for homes and children in the neighborhood.

After further discussion, the Board asked for cost estimates to repair the light as well as other alternatives for the next meeting (Monday, December 14, 2015). They also wanted to be sure the light is on Town property. J. McDevitt asked R. Cirulli to speak to his neighbors and get feedback from them about the light.

### 2. EverSource Energy Pole Permit: Great Bay Drive

The Town Administrator reviewed the pole permit for a light on Great Bay Drive. She amended the permit to meet the statute requirement, which was a result of the Fairpoint and Comcast suit. The Town Administrator clarified that EverSource would be removing and replacing a pole. She also clarified that the amendment, "Pursuant to RSA 72:23 I (b): This license is granted on the condition that any other entity using or occupying property of the municipality shall be assessed real property taxes", refers to air space for cable and telephone; EverSource leases lines on the pole.

**MOTION:** K. Forrest moved to approve the EverSource pole permit for Great Bay Drive, pole license 63-0605. Second – J. McDevitt; all in favor. MOTION CARRIED

### 3. Abatements

The abatement is for two different properties owned by the Town of Greenland, which is tax exempt. One property was purchased by the Conservation Commission; the other is conservation land in the Van Etten Drive subdivision.

**MOTION:** J. McDevitt moved to approve the abatement for the Town of Greenland in the amount of \$1,210. Second – J. Rolston; all in favor. MOTION CARRIED

The next abatement is for two properties located in the Van Etten Drive subdivision that have conservation easements, which are tax exempt.

**MOTION:** J. McDevitt moved to approve the abatement for the conservation easements in the Van Etten Drive subdivision (owners – Beck and Thibodeau) in the amount of \$1,110. Second – J. Rolston; all in favor. MOTION CARRIED

### 4. Current Use Release

The current use release is for property owned by Brian and Maria Beck, 177 Winnicut Road. Even though the lot is 16.69 acres, it doesn't qualify for current use; the land has been disturbed and is no longer in its natural state. The land value is \$185,000.

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**MOTION:** K. Forrest moved to approve the current use release for the property located at 177 Winnicut Road (Map R10, Lot 12A), in the amount of \$18,500. Second – J. McDevitt; all in favor. MOTION CARRIED

### 5. Changes to RSA 91:A

The Town Administrator reviewed the changes to the Right to Know Law. Effective January 01, 2016, the law for non-public sessions will change. Minutes can no longer be sealed during the non-public session; the Board will have to move into public session to seal the minutes. The purpose of sealing the minutes will also have to be noted. Sealed minutes will have to be reviewed on a quarterly or annual basis. If the purpose for sealing them no longer applies, the Board will need to vote to unseal them.

### 6. Default Budget

The Town Administrator prepared the default budget, which is the approved budget from the prior year, less any one time purchases but includes any contractual increases. There is an increase in the number of elections (a statutory increase); financial administration increased due to the contractual increase for the audit and assessing; personnel administration increased to account for the full year for New Hampshire Retirement; there was an increase in the worker's comp rate; and an increase in tipping fees due to a contractual agreement. An amount of \$10,000 was left in the Recreation budget as a revolving maintenance item, replacing the fencing at Caswell Field and tennis court resurfacing at Caswell. The default budget is \$99,735 higher than the previous year operating budget, bringing it to \$3,667,813. The Town's proposed budget is \$297,000 higher than last year. The difference between the proposed budget and the default budget is approximately \$200,000. The Town Administrator noted that the Board of Selectmen has not authorized the Budget Committee to approve the default budget; the Board must approve it by the second week in January when the budget is posted. The Board will review further and discuss at the next meeting.

### 7. Approval of Minutes: Monday, November 16, 2015

**MOTION:** K. Forrest moved to approve the minutes of Monday, November 16, 2015. Second – J. Penacho; all in favor. MOTION CARRIED

### 8. Other Business

- The Town Administrator updated the Board on the NH Municipal Conference held earlier in the month.
- K. Forrest reminded Board members that evaluation time was approaching.
- The Town Administrator told the Board that staff evaluations would be done prior to year-end. Chair Morgan requested that the Board also review the evaluations.
- An estimate was received from the resident on Barrett Farm Drive regarding his fence that was damaged during snow removal this past winter. J. McDevitt stated the contractor should be responsible for payment. There was a discussion regarding property damage due to snow removal and who was the responsible party. The criteria to be used: if it's in the right-of-way, the home owner is responsible; on private property, the contractor is responsible. J. McDevitt stated the Town doesn't have the right to dump snow on private property. J. Penacho suggested that a stipulation be added to J. Jones' contract stating that damage to private property outside the right-of-way would be his responsibility. Chair Morgan suggested that the Town Attorney be consulted. The Town Administrator will send Jim Jones a letter from the Board of Selectmen stating the

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damage to the fence constitutes negligence and was his responsibility. The Board requested that it be confirmed the fence is not within the right-of-way first.

- CIP: J. McDevitt suggested a joint meeting with all involved in the Town Complex. The meeting should take place between the deliberative session and voting. The Town Administrator explained that the CIP was a guide for the Board of Selectmen and Budget Committee during the budget process. J. Penacho was concerned that the Budget Committee may approve warrant articles based on the CIP. J. McDevitt stated the CIP was a wish list that would have to be prioritized.
- Responding to a question from J. Rolston, the Town Administrator told the Board there were no new updates regarding the trail.

### IV. ACCOUNTS PAYABLE – THURSDAY, DECEMBER 03, 2015

#### 1. Payroll Manifest 24

**MOTION:** J. McDevitt moved to approve Payroll Manifest 24 in the amount of \$51,282.64. Second – K. Forrest; all in favor. MOTION CARRIED

#### 2. Payroll Manifest 24B – 2015 Unused Leave

**MOTION:** J. Penacho moved to approve Payroll Manifest 24B – 2015 Unused Leave in the amount of \$8,369.45. Second – J. Rolston; all in favor. MOTION CARRIED

#### 3. Payroll Manifest 24C - Longevity

**MOTION:** J. Penacho moved to approve Payroll Manifest 24C - Longevity in the amount of \$8,250. Second – J. Rolston; all in favor. MOTION CARRIED

#### 4. General Fund Manifest 25

**MOTION:** J. McDevitt moved to approve General Fund Manifest 25 in the amount of \$241,237.56 (\$160,000 – School). Second – J. Rolston; all in favor. MOTION CARRIED

#### 5. Medical Deductible Expendable Trust Manifest 24

**MOTION:** K. Forrest moved to approve Medical Deductible Expendable Trust Manifest 24 in the amount of \$3,002.46. Second – J. Rolston; all in favor. MOTION CARRIED

There is approximately \$14,000 remaining in the fund. There will need to be a warrant article to dissolve the Medical Expendable Trust and any remaining funds to be deposited into the General Fund. The Town Administrator updated the Board on the new medical plans. No one chose the Lumenos 2500 plan; the AB20 Site of Service Plan (the Town pays 95%) was selected by three employees; all others chose the AB10 plan (the Town will pay 88%). The Town Administrator anticipates a slight savings over last year based on premium and deductible payments combined.

### V. ADJOURNMENT

**MOTION:** J. Penacho moved to adjourn at 8:30 p.m. Second – J. Rolston; all in favor. MOTION CARRIED

NEXT MEETING

Monday, December 14, 2015 – Town Hall Conference Room, 7:00 p.m.

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, December 14, 2015