



BOARD OF SELECTMEN

Town of Greenland • Greenland, NH 03840

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MINUTES OF THE BOARD OF SELECTMEN

Monday, April 21, 2014 – 7:00 p.m. – Town Hall Conference Room

Members Present: Kevin Forrest, John McDevitt, Mo Sodini

Members Absent: Chair John Penacho, Vaughan Morgan

Staff: Karen Anderson – Town Administrator

Acting Chair Mo Sodini opened the Board of Selectmen meeting at 7:00 p.m. Roll call was taken; it was announced a quorum was present and the meeting was being recorded.

I. APPOINTMENT

1. Plan Approvals – Ken Fernald

Ken Fernald, Emergency Management Director, addressed the Board. The Annual Concurrence for the Local Emergency Operation Plan and the Statement of Publication were given to the Selectmen for their approval. The Annual Concurrence will go into the records that the Town has an emergency operating plan. The RERP plan goes to Concord in December; in November, K. Fernald will be back before the Board for concurrence of that report. There is a grant for the LEOP, and will be updated by September. The Hazard Mitigation Plan will be complete within the next few months.

MOTION: *K. Forrest moved to approve the Annual Concurrence for the Local Emergency Operation Plan as presented by K. Fernald. Second – J. McDevitt; all in favor. MOTION CARRIED*

Responding to a question from Acting Chair Sodini, K. Fernald told the Board that there will be an update from the 911 Committee at the meeting Monday, May 05, 2014.

II. ADMINISTRATIVE AND OTHER ITEMS

1. 520 Bayside Road

Acting Chair Sodini stated that the requirements of RSA 41:14(a) had been met. The Board had copies of the Town Attorney's response. The Town Administrator also had a copy of the survey that was done of the property in April 1970 that included point markers as well as the building permits that were issued. There was a building permit for a three-level barn that had been relocated, a septic system approval, and a building permit for a single family residence. There was only one building permit issued for any outbuilding.

Troy Thibodeau submitted a request to withdraw the contingencies on his original bid. Acting Chair Sodini stated that bids were received from Troy Thibodeau, James Jones, Deborah Beck and Brian Beck.

Bids were due to the Town Office no later than 3:00 p.m. on Monday, March 24, 2014; it would be a Board decision to accept the amended bid from T. Thibodeau. K. Forrest's concern was it may be precedent setting; Acting Chair Sodini added that the bids were due on a specific date.

The Town Administrator left the meeting for an email from V. Morgan.

Deborah Beck requested to add information about the building that didn't have a permit. Acting Chair Sodini responded that it would be irrelevant but was a Board decision.

The Town Administrator returned to the meeting. V. Morgan, not present, was in favor of selling the property to the highest bidder without contingencies, using a quitclaim deed.

J. McDevitt was not in favor of selling the property. The lot was .5 acres, abutting one of the largest undeveloped tracts of land on Great Bay; he suggested designating it as open space. He continued there have been unsubstantiated reports of materials being buried on the property that have not been verified by the Town. His vote would be to not sell the property located in one of the most pristine portions of Greenland on Great Bay.

Although the property would be sold as a quitclaim deed, J. McDevitt stated that the Town would always be exposed. He added that he did have a conversation with the Town Attorney, and that was his opinion about the liability. He continued that the lot didn't have to be sold at this time, and would like to look at other options. The Town Administrator reminded the Board that there must be a vote at this meeting, but the property didn't have to be sold. D. Beck stated that her goal was not to develop the lot. She never realized that the lot had been surveyed. Continuing, she added that her goal was not litigation but to protect what was there.

Acting Chair Sodini stated that the lot was not keystone to pristine vistas of the Bay. What was done with the lot would be up to the owner. If there was an opportunity to sell the lot, it should be done. J. McDevitt countered that it was in the Master Plan to obtain and preserve open space.

Acting Chair Sodini reviewed the bids received: \$41,000 with contingencies from T. Thibodeau; \$38,500 with no contingencies from J. Jones; \$15,000 with no contingencies from B. Beck; \$100 more than the highest viable bid from D. Beck. He added that the bidding process was reasonable and that it would be unfair to remove contingencies after the bidding closed; the Board agreed. D. Beck stated that she had bid \$100 over the highest bid; if she litigated, she would pay the Town of Greenland \$100 over the highest bid. She added that she was not litigating with the Town of Greenland; she was going to litigate her interest in the property with whoever is offering the highest bid. Acting Chair Sodini read D. Beck's bid and asked for clarification. She explained that if the lot was sold to "X" she was going to litigate; if she was successful, she would go back and figure out what the lot was worth. After further discussion, the Board agreed the Jones bid was the highest, as stated.

MOTION: *K. Forrest moved that the Town of Greenland sell the lot at 520 Bayside Road to the highest bidder, Mr. Jones, for the amount of \$38,500 utilizing a quitclaim deed. Second – M. Sodini; two in favor, one opposed (J. McDevitt). MOTION CARRIED*

The Town Administrator will contact J. Jones.

2. Road Bond Approval – Seavey Way

The Town Administrator explained that the 10% contingency was the approximate cost to finish the road. The Town will hold that amount for a year (until the road goes through a winter). The Town does not plow the road during that year unless the developer agrees to reimburse the Town. Once the top coat is down, the developer may request a partial release.

MOTION: K. Forrest moved to accept the road bond for Seavey Way in the amount of \$372,880.20. Second – J. McDevitt; all in favor. **MOTION CARRIED**

The Town Administrator explained that the Town would receive a check or letter of credit for the road bond. The Town Treasurer will deposit the check or secure the letter of credit.

3. Abatements

The assessor has reviewed the abatement request for 43 Caswell Drive. The homeowner had been taxed on a full bathroom that has been dismantled, which was verified by the assessor. An additional 5% was credited for the HVAC system with heat from the ceiling.

MOTION: J. McDevitt moved to approve the abatement for 43 Caswell Drive in the amount of \$913 plus interest. Second – K. Forrest; all in favor. **MOTION CARRIED**

4. Veteran's Credit (2)

The new resident at 19 Skyview is requesting a veteran's credit. He has lived in Town for one year, and does qualify. The resident at 68 Skyview has also lived in Town for over a year, and qualifies. Both are recipients of the National Defense medal, which is a requirement.

MOTION: K. Forrest moved to approve the veteran's credit for 19 Skyview in the amount of \$500. Second – J. McDevitt; all in favor. **MOTION CARRIED**

MOTION: K. Forrest moved to approve the veteran's credit for 68 Skyview in the amount of \$500. Second – J. McDevitt; all in favor. **MOTION CARRIED**

5. Storage Container Permit

The Town Administrator explained there was a fire at 330 Portsmouth Avenue in July. The applicant is ready to begin reconstruction and has requested a permit for a temporary storage container.

MOTION: K. Forrest moved to approve the temporary storage container permit for one year at 330 Portsmouth Avenue. Second – J. McDevitt

DISCUSSION: J. McDevitt asked if the property was located within the aquifer protection district. The Zoning Ordinance prohibits the storage of hazardous materials in containers in that district. The Town Administrator assured him it would be household goods during reconstruction, which is allowed by the Ordinance if there is a fire.

MOTION: K. Forrest moved to approve the temporary storage container permit for one year at 330 Portsmouth Avenue. Second – J. McDevitt; all in favor. **MOTION CARRIED**

6. Appointment: Library Trustee Alternates

The Library Trustees are allowed two alternates with one year terms, to be appointed by the Board of Selectmen. Names have been submitted: Marcia McLaughlin, 47 Nantucket Place, and Mark Willis, 16 Caswell Drive. J. McDevitt voiced his concern about appointing alternates without meeting them. The statute states that the Board of Selectmen appoints with recommendation from the Library Trustees.

MOTION: *J. McDevitt moved to appoint to the Board of Trustees of the Weeks Public Library as alternates Marcia McLaughlin and Mark Willis. Second – K. Forrest; all in favor. MOTION CARRIED*

7. Resignation: Conservation Commission Member

Nancy Zuba, a member of the Conservation Commission for over ten years, submitted a letter of resignation citing health reasons. Acting Chair Sodini accepted her resignation with regret, and requested the Town Administrator prepare a certificate commending her years of service for the meeting on Monday, May 05, 2014.

8. Approval of Minutes: Monday, March 24, 2014 and Monday, April 07, 2014

MOTION: *K. Forrest moved to approve the minutes of Monday, March 24, 2014. Second – J. McDevitt; all in favor. MOTION CARRIED*

Minutes of Monday, April 07, 2014 were continued to the meeting on Monday, May 05, 2014.

9. Other Business

The informational portion of the packet was reviewed. Compactor bids were opened on Friday, April 18. The warrant article was budgeted based on approximately \$35,000 for the compactor, and an additional \$15,000 for the site work. Three bids were received: Lake Fabrication, Alexander Industrial, and Atlantic Recycling. The Town Administrator was in the process of reviewing the bids and preparing the information for the Board. She has also submitted a grant application to America the Beautiful for 50% of the costs.

Topics for the next meeting were reviewed. K. Forrest asked if the Town would be responsible for any information provided by the Town Health Officer. All municipal officials are covered for liability, errors of omission, malfeasance of office, etc., as part of the Town's property liability policy. The Town Administrator explained that the Health Officer, at the municipal level, inspects faulty septic systems, does water tests, etc.; there would be no commercial jurisdiction.

K. Forrest sent a draft of a letter to the Newington Planning Board for the Selectmen's consideration regarding Sea-3. The draft is a complete record of everything that has taken place. The intent of the letter is to formally notify the Newington Planning Board that the studies from the Congressional delegation had been requested, and should be considered when they vote on the permit. It was his feeling that the Newington Planning Board should delay their decision until the results of the study have been received. K. Forrest noted that J. Penacho was not in favor of sending the letter due a concern about the comprehensive safety, security and environmental assessment statements. There was a discussion regarding the letter sent to the Congressional delegation. J. McDevitt stated that Newington has declared the project to have regional impact. He continued that he would support the letter from K. Forrest being sent; the Selectmen sent a letter to the Congressional delegation requesting they become involved. K. Forrest added that the Selectmen did not formally let the Newington Planning Board know

the letters had been sent. K. Forrest also stated that the Selectmen should have a unified response when asked about the Town's position on the Sea-3 expansion. Acting Chair Sodini reminded that Board there is a great deal of hazardous material that passes through this Town on a daily basis. He did not agree the letter should be sent.

MOTION: K. Forrest moved to approve the letter to the Newington Planning Board, advising them of Greenland's request for assistance from the US Congressional delegation. Second – J. McDevitt; two in favor, one opposed (M. Sodini). **MOTION CARRIED**

10. Acknowledgement: Manifest Approval – Thursday, April 07, 2014

MOTION: J. McDevitt moved to acknowledge that the manifest was signed by the Board of Selectmen outside of the public meeting (Monday, April 07, 2014). Second – K. Forrest; all in favor. **MOTION CARRIED**

III. ACCOUNTS PAYABLE – APRIL 24, 2014

1. Payroll Manifest 09

MOTION: J. McDevitt moved to approve Payroll Manifest 09 in the amount of \$41,258.79. Second – K. Forrest; all in favor. **MOTION CARRIED**

2. General Fund Manifest 09

MOTION: J. McDevitt moved to approve General Fund Manifest 09 in the amount of \$157,240.45. Second – K. Forrest; all in favor. **MOTION CARRIED**

3. Medical Deductible Expendable Trust Manifest 08

MOTION: J. McDevitt moved to approve Medical Deductible Expendable Trust Manifest 08 in the amount of \$5,705.02. Second – K. Forrest; all in favor. **MOTION CARRIED**

4. Police Special Revenue Fund Manifest 03

MOTION: J. McDevitt moved to approve Police Special Revenue Fund Manifest 03 in the amount of \$18,422.85. Second – K. Forrest; all in favor. **MOTION CARRIED**

5. Ambulance Special Revenue Fund Manifest 04

MOTION: J. McDevitt moved to approve Ambulance Special Revenue Fund Manifest 04 in the amount of \$612.04. Second – K. Forrest; all in favor. **MOTION CARRIED**

IV. ADJOURNMENT

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

NEXT MEETING

Monday, May 05, 2014 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, May 05, 2014