



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, May 16, 2016 – 7:00 p.m. – Town Hall Conference Room

Members Present: Vaughan Morgan, Kevin Forrest, Jim Rolston, Paul Sanderson

Members Absent: John McDevitt

Staff: Karen Anderson – Town Administrator

Chair Morgan 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. Drainage at 1039 Portsmouth Avenue - Eric Weinrieb, Planning Board Engineer

Eric Weinrieb, Altus Engineering and Planning Board Engineer, updated the Board on the drainage at 1039 Portsmouth Avenue. He has been involved with the Van Etten Drive development from the start of the project, through the approval process and oversight during construction.

During the approval process for the 19-lot development, there was a small permitted wetland impact: crossing a wet meadow to get to the uplands. A DES wetlands permit was granted for an open bottom box culvert. There was concern that the culvert was undersized and could cause hydrology issues. As a result, multiple site walks have been done; no impacts have been noted.

In past years, the Becks have farmed the field and maintained the channel, which improved the hydraulics. Once the farming no longer took place, the area revegetated, became more naturalized and returned to a wet meadow. This has slowed the hydraulics down; the water no longer drains through the grass and into the channel. It's perceived that the roadway and subdivision created the problem; however, in E. Weinrieb's opinion, it would still be the same condition if the subdivision wasn't built.

E. Weinrieb suggested recreating the maintained ditch from the culvert to the property line. The permitting should be extended beyond the property line, onto the abutter's property. The abutter can then maintain that portion. The developer and Home Owner's Association would maintain their section.

E. Weinrieb noted that in order for the abutter to have her septic system installed, she had to get a temporary wetlands permit. That area has been wetlands for a number of years. DES could say that they could continue to want it restored to its natural state, allowing natural revegetation to create habitat. Or, in the interest of the abutters, they could grant the permit for a maintained channel.

P. Sanderson questioned the size of the original culvert that went under Liberty Hill. E. Weinrieb stated that was replaced as a condition of approval. He added that he couldn't imagine a situation where the water would be close to cresting the roadway and backing up to the culvert.

Chair Morgan clarified that if the developer secured a permit from the DES Wetland Bureau, improvements could be made. Troy Thibodeau, developer, stated that he was willing to do the permitting and swale on his property; however, an area of concern was the trash that was accumulating on the abutter's property. He would like it removed before any work on the swale was done. He told the Board that the builder offered to buy the trash and remove it; the abutter refused. E. Weinrieb agreed it affected the residents of the development and others. The abutter may be unaware that the developer was willing to fix the swale with the understanding that the trash was removed.

The Town Administrator asked the Selectmen if they would like the developer to start the permitting process or leave it as is. K. Forrest stated it was a Planning Board decision. The Town Administrator responded that the Planning Board would have to approve any changes; the existing condition is what they approved. The abutter has been coming to the Board of Selection requesting action be taken; the Board asked E. Weinrieb to do a site walk and report his findings and suggestions.

P. Sanderson explained that two wetlands permits would be needed from DES; E. Weinrieb added that it could be one permit for two properties. After review by DES, it would be referred to the Conservation Commission, and then to the Planning Board for a change to the approved Subdivision Plan; the amendment to the plan would be under the jurisdiction of the Planning Board. As a Board, the Selectmen could approve the concept and ask other Boards to take it under advisement. Two enforcement actions would be avoided with Selectmen approval. E. Weinrieb asked how to ensure the abutter was a willing party, and if not, there would be a stalemate. P. Sanderson responded that the developer currently remains in compliance. Further, the Selectmen were attempting to resolve the abutter's complaint. The abutter will be invited to the meeting on Monday, May 30, 2016 in an effort to resolve the situation.

Dennis Malloy, 10 Van Etten Drive: Asked for an explanation of the drainage problem with the abutter. T. Thibodeau explained that her lawn is "mushy". D. Malloy also asked if the water situation had changed since construction on the development began; E. Weinrieb stated it had not. T. Thibodeau further explained that DES wants the area to grow back to its natural state. P. Sanderson added that it was a haying operation for the cattle they were raising. The channel was also maintained which helped with the hydraulics. T. Thibodeau stated the immediate remedy was to mow the channel; DES has said mowing can be done.

2. Van Etten Drive Site Plan Requirement – Troy Thibodeau

T. Thibodeau explained that there is a note on the approved plan stating certain amenities in the recreational area will be completed prior to the 10th Certificate of Occupancy. He has received some requests for changes in that area; he doesn't want to approach the Planning Board without a Home Owner's Association. That can't be formed until there is 51% occupancy; that won't happen until after the 10th CO. He added that the Building Inspector will not issue any CO's after the 10th.

T. Thibodeau felt the note would be a minor change to the 15th CO and Altus Engineering could approve that change. E. Weinrieb stated that as civil engineers they could approve field changes (example: moving a culvert a couple of feet or construction changes). Time line changes and approval conditions did not require a site plan review, but could be done as an administrative approval. Going back to the Planning Board would not require abutter notification; P. Sanderson was in agreement, adding that the

Board of Selectmen could not countermand the Planning Board. He continued that they would have to grant relief from CO 10 to CO 15. T. Thibodeau was asking to delay until the HOA could make their feelings on the amenities known. P. Sanderson stated it was a Planning Board determination, and felt they would hear his request. It was suggested that T. Thibodeau attend the Planning Board meeting on Thursday, May 19, 2016. E. Weinrieb added that there are situations when unintended consequences need to be changed. The Town Administrator added that the work is bonded.

II. APPROVAL OF MINUTES

1. Monday, May 02, 2016

The net cost of the Transfer Station ("The net cost last year was \$37,451") is from January 01, 2016 through April 07, 2016. The net cost for 2015 is \$144,431. The minutes will be amended to reflect the net cost for 2015.

MOTION: P. Sanderson moved to approve the minutes of Monday, May 02, 2016 as amended. Second – J. Rolston; all in favor. **MOTION CARRIED**

III. OLD BUSINESS

1. Recreation Committee Appointments

K. Forrest updated the Board on Rec Committee appointments. Brian Pafford, Rec Committee Chair, proposed reappointment dates for its members. Three members (Kenneth Avery, Steve Sargent and Brian Pafford) were reappointed last year for three year terms, expiring in 2018. He suggested seven members and two alternates for their Board.

MOTION: K. Forrest moved to make the following Rec Committee appointments. Second – P. Sanderson; all in favor. **MOTION CARRIED**

- Peter Kratimenos to a one year term, expiring in 2017.
- Erica Rahn to a one year term, expiring in 2017.
- Matt Gladu to a three year term, expiring in 2019.
- Sharon Hussey-McLaughlin to a one year term, expiring in 2017.
- Erika Coombs to a three year term as an alternate, expiring in 2019.
- Adam Bottrill to a three year term as an alternate, expiring in 2019.

2. Transfer Station

Chair Morgan suggested meetings with the Transfer Station employees to answer any questions or concerns they may have as well as reviewing the rules of enforcement. P. Sanderson will contact the Property Maintenance Supervisor to schedule a meeting. K. Forrest added that it would be helpful if Selectmen were present at the Transfer Station to answer questions when new regulations went into effect.

The Town Administrator recommended that the new fees take effect on June 01, 2016. A notice was included with the mailing for car registrations. It was suggested that the new regulations be posted on the doors of the bins at the Transfer Station.

MOTION: P. Sanderson moved to implement the increase in the Transfer Station sticker fee from \$5 to \$10 on June 01, 2016. Second – J. Rolston; all in favor. MOTION CARRIED

MOTION: P. Sanderson moved to implement the recommended fees for debris on June 15, 2016; fees were approved at the meeting on Monday, May 02, 2106. Second – J. Rolston; all in favor. MOTION CARRIED

MOTION: P. Sanderson moved to follow the recommendation of the Property Maintenance Supervisor and ban the contractor size black bags as a means of disposal, on a trial basis for 90 days commencing June 01, 2016. Second – J. Rolston; all in favor. MOTION CARRIED

3. Town Website

The Town Administrator updated the Board on the Town website. There was a virtual web meeting last week with Virtual Towns and Schools, the Town Administrator and Board Secretary. Different options were reviewed and a site selection made (Northfield, Massachusetts); it can be adapted to the Town's needs. The next step is to do a mock-up of the site with our information. We're hoping to have something to show the Board by the next meeting. The Library, Police Department and others will be contacted to attend that meeting for their input. K. Forrest stated it would be important for Chairmen and Department Heads to be present at the meeting.

The "Search" tool will be able to do a site-wide search, including minutes. Minutes from the last three years can be uploaded on the site.

IV. NEW BUSINESS AND ADMINISTRATIVE

1. Social Media Policy

The Board had requested that the Town Administrator create a Social Media Policy. She told the Board that there is a Facebook page for the Town. It's currently set so that posting will go to her and the Board Secretary for approval prior to posting on the Town page. People will not be able to advertise, use profane language, post "vote for me", etc.

Chair Morgan noted for the record that this is being done so the Town can be more transparent and communicate with the public. J. Rolston commented that the Social Media Policy did not include a penalty for employees posting something ill-advised. The Town Administrator responded that she would receive a notification of any potential postings.

P. Sanderson noted that there will be controversial comments posted, adding it has to go through unless it involves defamation and crosses the line. A disclaimer that "this is not the opinion of the Town but that of the individual posting" needs to be added to the page.

K. Forrest commented on several items - Item 3G: Would the Town use the page to advertise items they were selling on Craig's List (i.e. the lawn mower, trailer, etc.). As written, it may prohibit that. Item 6: Would like to see the page monitored more frequently with specific expectations of Department Heads listed. Item 7: Questioned if there should be a single point of contact for posting.

P. Sanderson stated there may be some areas open for liability: postings about road conditions was an example. It was suggested that questions answered by Town employees should be reviewed prior to them being posted.

The Town Administrator suggested adding a section for Boards/Commissions not to get involved in an on-going conversation on the page and violating the Right-to-Know Law.

K. Forrest suggested that the Social Media Policy be an agenda item and reviewed at each Board, Commission, Committee, and Trustee meeting. P. Sanderson added there needed to be some training on how social media could affect them. K. Forrest also suggested adding a section for "Frequently Asked Questions". The Town Administrator stated that many towns have taken their Facebook pages down due to controversial issues.

2. Review of Town Administrator's Weekly Report

There were no comments or discussion on the weekly report.

3. 1088 Portsmouth Avenue Variance Compliance

Chair Morgan reviewed the Building Inspector's letter to the Board stating that the property at 1088 Portsmouth Avenue was not in compliance with a Variance granted in 1999 by the ZBA. Although the owner is in compliance after completing the site work last year, his website indicates there is more being done than granted by the ZBA.

The Town Administrator clarified there are two separate issues. The Town Engineer stated that the owner is in compliance with the current use requirements. The Town Attorney had recommended keeping the current use requirements and Variance granted by the ZBA as separate issues. Since 1999 the property has not been in compliance with the Variance. The Building Inspector has spoken with the Town Attorney. P. Sanderson stated that the goal is to have the property owner come into compliance with the terms of the Variance, not to shut down or operate the business beyond his approval.

The recommendation by the Building Inspector, and being reviewed by the Town Attorney, gives the property owner a set period of time to apply to the ZBA to amend his Variance. P. Sanderson added that the Town could seek a monetary fine or issue an injunction to change behavior. The fine is seen as ineffective; the property owner will need funds to come into compliance. P. Sanderson suggested that the Building Inspector work with the Town Attorney to bring the level of the business into compliance with what was granted by the ZBA, or the property owner could seek additional relief from the ZBA.

4. First Half Tax Warrant

The first half billing is \$5,827,429 and is based on 50% of the 2015 tax rate. The 2016 billing has been prepared and reconciled with the Tax Collector.

MOTION: K. Forrest moved to approve the first half tax warrant in the amount of \$5,827,429. Second – J. Rolston; all in favor. **MOTION CARRIED**

5. Memorial Day Meeting – Monday, May 30, 2016

After a discussion regarding the meeting scheduled for Memorial Day (Monday, May 30, 2016), the Board will meet that evening at 7:00.

6. Part Time Position – Parks Maintenance

The 15 week position assisting the Property Maintenance Supervisor with field maintenance has been posted. Mark Fleming applied for the position, which is 12 hours per week. The Property Maintenance Supervisor has discussed the position with M. Fleming.

MOTION: P. Sanderson moved to hire Mark Fleming for the 15 week part-time position, 12 hours per week at \$12 per hour. Second – J. Rolston; all in favor. MOTION CARRIED

7. Abatement – Interest and Fees

An abatement of \$317.08 has been requested by a new resident on Niblick Lane. Due to circumstances beyond their control, they were unaware that taxes were due. After the Town Administrator discussed the issue with the resident and Tax Collector, it was apparent that non-payment was not the fault of the property owner. The Town Administrator recommended an abatement to waive the interest and late fees.

MOTION: P. Sanderson moved to abate \$317.08 for Tax Map R4, 12 due to the property owner not receiving the tax bill. Second – K. Forrest; all in favor. MOTION CARRIED

8. Other Business

- Chair Morgan announced that the Band Stand Summer Concert Series will start Thursday, June 23, 2106. There will be five concerts through August 18, 2016.
- There will not be a Farmer's Market this summer.
- J. Rolston stated that in a couple of years the Town will be celebrating its 300th anniversary. He suggested that the Town should start planning and ask for volunteers for various committees. The Town Administrator stated that even though the Town Seal is dated 1704, it's incorrect; it's closer to 1721. The Town Administrator will check with Paul Hughes, Town Historian. A note will be made on the Town Facebook page and website. The Town Administrator suggested a warrant article for a small amount of funding.
- Conservation Commission Meeting with Ian Farley: The Town Administrator updated the Board on Ian Farley's absence at the Conservation Commission meeting on Wednesday, May 11, 2016. He sent a list of trees for the Conservation Commission to review; that list was forwarded to David Luchsinger and Rick Simpson, Rolling Green Nursery. The list was reviewed with the Board. The locations for the trees have been staked on the Town Green by the arborist and Property Maintenance Supervisor.

V. ACCOUNTS PAYABLE – THURSDAY, MAY 19, 2016

1. Payroll Manifest 10

MOTION: K. Forrest moved to approve Payroll Manifest 10 in the amount of \$50,132.25. Second – J. Rolston; all in favor. MOTION CARRIED

2. General Fund Manifest 10

MOTION: J. Rolston moved to approve General Fund Manifest 10 in the amount of \$286,954.52 (School - \$140,000). Second – K. Forrest; all in favor. MOTION CARRIED

VI. ADJOURNMENT

MOTION: K. Forrest moved to adjourn at 8:19 p.m. Second – J. Rolston; all in favor. ***MOTION CARRIED***

NEXT MEETING

Monday, May 30, 2016 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, May 30, 2016