



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

Monday, July 11, 2016 – 7:00 p.m. – Town Hall Conference Room

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

*Members Absent:*

*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. Snow Plow Equipment and Vehicles – Jim Jones

Jim Jones was not present.

**II. APPROVAL OF MINUTES**

1. Monday, June 27, 2016

**MOTION:** *P. Sanderson moved to approve the minutes of Monday, June 27, 2016. Second – J. Rolston; all in favor. MOTION CARRIED*

**III. OLD BUSINESS**

1. Police Department Hours Worked – Chief Laurent

Chief Laurent reminded the Board that the Personnel Policy states employees can work 16 hours in any 24 hour period, which includes a consecutive 8 hours off. Although Chief Laurent understood the Board's concern, she didn't feel it was as simple as being able to define the number of hours worked. She constantly checks in with her officers and has not seen any instance that an individual was overtired, has not noticed a dip in activity, and the officer that works the most on a regular basis is one of the top producers. The Police Department is small enough that Chief Laurent would recognize if the hours worked affected the job. Wellness training is done every year, and includes mental health awareness (emotional and physical).

Chief Laurent's research recommended that things be spread out evenly among the officers. Historically, they've gone by seniority; but after further research, that may not be the best way. She's going to review overtime and detail assignments. Chief Laurent requested that rather than changing the Personnel Policy, the Board allow her to address their concerns internally.

Chair Morgan also researched the issue and found that many emergency responders, including the Coast Guard and other police departments, follow a similar schedule. He added that the Board's concern was safety and that first responders are alert. Chair Morgan agreed it could be managed within the department without changing the Personnel Policy. J. Rolston questioned if it would be prudent to hire a part-time officer to alleviate the overtime. Chief Laurent responded that a majority of the hours worked were details; however, there was overtime if an officer was sick or on vacation. There is a schedule for part-time personnel; they are moved if needed elsewhere. Chief Laurent clarified that details were not mandatory unless there was an emergency; she has not had to put a cap on overtime. P. Sanderson reminded Chief Laurent that the Budget Committee would be asking the same questions in a few short months; it should be resolved before that process starts.

P. Sanderson stated he was comfortable giving Chief Laurent time for management action; he would like an update in 90 days.

## 2. Pavement Survey Bid Results

Three bids were received from engineering firms; a separate proposal was received from Street Scan. **Jones and Beach** was the low bid at \$16,000. They would utilize two employees who would drive the streets in Town, reviewing road conditions every ¼ of a mile. Data would then be entered into an iPad for use in the field. **Underwood Engineers** bid was \$32,000 to \$35,500. They will utilize an Excel spreadsheet that could be easily updated; their report would be a ten year plan and include a drainage study. **CMA Engineering** would do basically the same as Underwood Engineering, but would also use an IMS scan. Their bid was \$35,000. **Street Scan** bid was \$25,000 with an annual fee of approximately \$2,000 for maintenance of data. Their van will do different scans at the same time and would be a two day project. The process would be faster, but an annual maintenance fee is required. Over a five year period, it would cost the same as Underwood Engineers and would be no cost savings.

There are 23 miles of road in Town. Street Scan based their bid on lane miles, which are 46. The Building Inspector reviewed all bids. His recommendation was either Underwood Engineering or CMA Engineering. Or, use Street Scan for the initial work, and after the first year have an annual review done by a local engineer. Street Scan's annual \$2,000 fee would still have to be paid to have access to the information and store data on their server.

P. Sanderson stated that using Street Scan would be more difficult to include data for the CIP; it's not engineering analysis. However, that product provides more information. Local engineers, who may have to design a project, would know where attention should be focused. The products from the engineering firms provide slightly different scopes of service; all are competent firms familiar with the Town. Responding to a question from K. Forrest, Jones and Beach was not offering the same scope of services as the others; P. Sanderson pointed out that Underwood was offering some geo-tech work. J. McDevitt noted that drainage studies would be important as an MS-4 town. The Town Administrator would like to have the surveying project started by early August.

Funds are available in the Paving and Reconstruction budget as well as the Engineering line in Public Works. If recommended, a shim and overlay could be done on Tidewater Farm. A complete reconstruction would cost well over \$300,000. The Town Administrator has spoken to Phil Underwood about a shim overlay vs. full construction of Tidewater Farm; he recommended a full reconstruction of one section. The remainder would be a shim overlay. The Town Administrator suggested the shim overlay coincide with Stratham, possibly doing a joint reconstruction in several years.

**MOTION:** P. Sanderson moved to award Underwood Engineering the Pavement Conditions Assessment contract. Second – J. Rolston

DISCUSSION: J. McDevitt stated that for him, Underwood Engineering was his preference. P. Sanderson added that the Town has a good relationship with Underwood Engineering, and they have a great deal of knowledge and experience in Town. They have shown they are capable of performing good service for the Town.

**MOTION:** P. Sanderson moved to award Underwood Engineering the Pavement Conditions Assessment contract. Second – J. Rolston; all in favor. **MOTION CARRIED**

### 3. Other Old Business

- The letter to the City of Portsmouth regarding the fire hydrants has not been completed.
- Remembrance Park: Chair Morgan reminded the Board that Wally Berg's concerns regarding lighting, painting of the cannons and the fact sheet needed to be addressed.
- Debra Beck, 1039 Portsmouth Avenue: Stated that the west side of the culvert was mowed; the entire swale needs to be mowed (the detention pond to the old access road by the parking lot for the trails). It was clarified that Troy Thibodeau is under no obligation to maintain the swale. It must be maintained in accordance with the DES permit.

D. Beck gave her word to Chair Morgan that she would remove the debris from her property when it was convenient for her. Responding to a question from J. Rolston, she stated that another pile was not started; she had segregated what was there.

## IV. NEW BUSINESS AND ADMINISTRATIVE

### 1. Review of Town Administrator's Weekly Report

- Smoking on Town Property: The Town Administrator explained that cigarette butts are being left under the benches in front of the Town Office by residents of New Generations. She has contacted the Executive Director of New Generations, who was in support of designating the Town property a smoke free zone. The Executive Director has met with those residents, and her efforts have been unsuccessful. The Town Administrator recommended that if the Board were to designate a smoke free zone, it be the entire Town property. K. Forrest was in favor; it sends the right message from a public health standpoint. J. McDevitt voiced his concerns about the government denying people the right to do something they had a right to do; J. Rolston was in agreement. P. Sanderson noted that enforceability could become a problem. The Smoking Act is for indoor smoking only; there would have to be a local ordinance. Chair Morgan agreed it would difficult to enforce a no smoking zone. There was a discussion regarding how to resolve the situation with the residents of New Generations. The Town Administrator will contact the Director to find a resolution. J. Rolston suggested a cigarette receptacle. Leonard Schwab, Great Bay Drive West: Smoking at the Transfer Station is a safety issue.
- Stearns Way: The Town Administrator updated the Board; there is no action required at this time. Several years ago, the Supreme Court designated Stearns Way as a public right-of-way. It is a Class VI road; Town regulations allow a subdivision only if there is a Class V or better road. There are currently two lots owned by Michael Gill and David Gill. M. Gill would like to divide his larger lot and build a home on 12 acres, with access on Stearns Way. M. Gill can build a house, but not subdivide the property. The larger lot will be owned jointly by M. Gill and D. Gill, eventually selling the

development rights to a conservation firm. The Town Administrator and Building Inspector have met with M. Gill; the Building Inspector has contacted the Town Attorney.

- Tipping Fees: The five year contract with Covanta expires on June 30, 2017. The bid process will begin in November 2016.

## 2. Temporary Storage Container Approval – 57 McShane Avenue

A temporary storage container was discovered on the property within the wetlands setback and has not been permitted. The storage container permit does qualify because there is ongoing construction, which is currently on hold. DES is involved; a permit for construction was issued by the interim Building Inspector who was unaware of the wetland areas or setbacks within the Ordinance. The current Building Inspector discovered the foundation was in the wetlands setback. The property owner will need to go to the ZBA for a Variance. The Building Inspector recommends approval of the storage container with conditions: it must be moved outside the setbacks; approval for up to one year or until the addition is completed or permitting is denied.

**MOTION:** K. Forrest moved to approve the temporary storage container at 57 McShane Avenue contingent on it be relocated within ten days to a location outside of the wetland setback area; permit to expire in one year or upon completion of the addition, or notification from DES or the Greenland Zoning Board of Adjustment that the addition cannot be built. Second – P. Sanderson; all in favor. **MOTION CARRIED**

## 3. Acceptance of Tax Liens

This is the annual procedure for filing the 2015 tax liens with the Registry of Deeds. Total liens are \$114,244.60 for 23 properties. No properties are being deeded.

**MOTION:** J. McDevitt moved to accept the Tax Collector's Notice of Liens for 2015. Second – J. Rolston; all in favor. **MOTION CARRIED**

## 4. Annual Safety Inspection Report

The Joint Loss Safety Committee meets on a quarterly basis. They recently reviewed the Town Office, Fire Department and highway building as part of their annual safety inspection. The most significant issue was determining the future of the four bay highway structure: should it continue to be utilized or razed. The report was reviewed and discussed by the Board. J. McDevitt stated that the Town complex issue needed to be addressed.

Chip Hussey, 207 Winnicut Road: Reminded the Board that when the Public Works building was built, it was too short; a truck with a plow will not fit. He suggested that only the roofs needed to be replaced on the salt storage shed. Chair Morgan stated he would like to go through the building with the Building Inspector. The entire back area needs to be looked at closely. The Town Administrator reminded the Board that all options submitted by Underwood Engineering for future site improvements had that building removed and the space used for other purposes.

J. Rolston noted that there were several issues on the report pertaining to the contractor. He asked that the contractor be at a Board meeting. He also suggested that penalties be added to the contract for not attending meetings when requested. Chair Morgan felt the contractor showed a total disregard for them by not attending tonight's meeting. In addition, he was not happy with the condition of the property once the trucks were removed. P. Sanderson stated that there are alternatives within the

contract. If legal remedies were acted upon and the contract ended, other alternatives should be looked into and they may not exist. He added that there was middle ground and used the number of trucks needed to plow the Town as an example: the contractor was using the area for storage. Members of the Board were concerned about leaking fluids and the environmental hazard. Chair Morgan stated that snowplowing should go out to bid; P. Sanderson suggested modifying the contract to not allow storage of vehicles on Town property. Chair Morgan will meet with the Town Administrator for further discussions.

P. Sanderson asked that the Building Inspector give the Board a structural evaluation on the back building.

5. Other New Business

- BTLA Case: A Board of Land and Tax Appeal Case is scheduled for the property on Bayridge Road. The property owner has made a settlement offer. A settlement offer can be voted in public session; further discussion and/or a counter-offer will need to be discussed in non-public session. The Town's appraisal was very similar to the settlement offer. Based on the appraisal, the Town Administrator felt the current assessment was high. P. Sanderson recused himself from the discussion because it's a neighboring property.

**MOTION:** *J. Rolston moved to accept the settlement offer as presented for the property on Bayridge Road. Second – K. Forrest; four in favor, one recuse (P. Sanderson). MOTION CARRIED*

- Senate Candidate: Ray Tweedie, State Senate Candidate, introduced himself to the Board. Senator Stiles has endorsed his campaign.
- Trail Update: Chip Hussey told the Board that surveying of the trail off Van Etten Drive has been completed. They will be working with the property owners to repair any damage. The Conservation Commission has approved payment of the surveying bill (\$1,500) from the warrant article. The Selectmen will also need to approve payment when the bill is submitted.

V. ACCOUNTS PAYABLE – THURSDAY, JULY 14, 2016

1. Payroll Manifest 14

**MOTION:** *J. McDevitt moved to approve Payroll Manifest 14 in the amount of \$50,568.72. Second – K. Forrest; all in favor. MOTION CARRIED*

2. General Fund Manifest 14

**MOTION:** *P. Sanderson moved to approve General Fund Manifest 14 in the amount of \$24,055.09. Second – J. Rolston; all in favor. MOTION CARRIED*

VI. ADJOURNMENT

**MOTION:** *J. Rolston moved to adjourn at 8:22 p.m. Second – P. Sanderson; all in favor. MOTION CARRIED*

## NEXT MEETING

Monday, July 25, 2016 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, July 25, 2016