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Town of Danville  
Board of Selectmen  
February 16, 2016  
7:00 pm

Meeting videotaped

Selectmen Present: Chairman Shawn O'Neil, Vice-chair Chris Giordano, Kimberly Farah, Sheila Johannesen, Joshua Horns

Others present: Patricia Shogren – Administrator; Paul Boyd – camera operator

Chairman O'Neil opened the meeting with a moment of silence for the troops who put themselves in harm's way. All stood for the Pledge of Allegiance.

- I. Delegate - none
- II. Signature File/Minutes

Selectmen signed payroll and vendor warrant manifest 2016-3.

Farah made the motion, seconded by Giordano, to approve the February 1, 2016 minutes as amended; motion passed. Selectmen discussed changes to the non-public minutes of February 1, 2016 and it was decided to defer approval until the minutes are amended.

- III. Old/New Business

Selectmen Horns discussed the letter sent by the Heritage Commission to the Board requesting that a document be created that identifies the groups that are involved with the Old Meeting House and the duties of each group. The Heritage Commission offered to draft this document. Selectmen agreed this was a good idea and the Board consensus was for Heritage to proceed with the first draft.

Selectmen discussed the Cy Pres petition forwarded by Peter Loughlin. Patty stated she would complete the blanks on page 7 for the dollar amount in the Parsonage Fund. It was determined the Old Meeting House Association would determine the details of the annual service to be held. Patty was asked to obtain the Association's by-laws so the appointed designee by the Association could be noted on the petition in the event that the Association was to dissolve. Patty will also find out if the facility should be listed as the Old Meeting House or the Meeting House.

Farah asked if Patty's membership as a Trustee of the Trust Fund was incompatible with her position working for the Selectmen. Patty stated that Betsy Sanders had brought this to her attention when she was elected a number of years ago and that she had contacted LGC and it was determined there was no incompatibility in the offices.

Johannesen read an email she had sent to LGC Legal regarding knocking on someone's door and leaving a note. Legal responded that as long as a property was not posted with No Trespassing signage, it was not against the law for an individual, including a town official, to knock on a door of a residence or to leave a note if there was no answer. (see attached)

Selectmen discussed with Patty the Election workers and it was decided to include a letter outlining the change to vendor status with their checks.

At 7:50pm Giordano made the motion, seconded by Johannesen, to go into non-public session under 91-A:3 II (c). Roll call vote: O'Neil-yes, Johannesen-yes, Horns-yes, Farah-yes, Giordano-yes; motion passed.

At 8:10pm Giordano made the motion, seconded by Farah, to return to public session. Roll call vote: O'Neil-yes, Johannesen-yes, Horns-yes, Farah-yes, Giordano-yes; motion passed.

Giordano made the motion, seconded by Farah, to seal the minutes under the guidelines of 91-A:3 II (c). Roll call vote: O'Neil-yes, Johannesen-yes, Horns-yes, Farah-yes, Giordano-yes; motion passed.

At 8:15 Horns made the motion, seconded by Giordano, to adjourn; motion passed.

Respectfully submitted,

Patricia Shogren  
Administrator

## Patricia Shogren

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**From:** Sheila & Roy Johannesen <sheilaandroy@aol.com>  
**Sent:** Tuesday, February 16, 2016 5:01 PM  
**To:** Patricia Shogren  
**Subject:** Fwd: Danville Town official questoin

Patty I can't print this for some reason from home. Could you print a copy for all of us tonight and one for your records as well?

Sheila

-----Original Message-----

**From:** legalinquiries <legalinquiries@nhmunicipal.org>  
**To:** sheilaandroy <sheilaandroy@aol.com>  
**Sent:** Tue, Feb 16, 2016 3:36 pm  
**Subject:** Danville Town official questoin

Sheila:

Typically, government officials, like any member of the public, can enter private property by walking up to the front door and knocking, and waiting a reasonable time for the owner to answer the door and determine whether he/she wishes to speak to the person at the front door. However, if the property is posted with No Trespassing signs, this implied "license" to knock on someone's front door probably does not apply. Therefore, it is generally acceptable to walk up to the front door, knock, wait a moment, and then leave. However, this is very general guidance on fairly vast area of law. It implicates both the Fourth Amendment and also RSA 635:2 (criminal trespassing).

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NEW HAMPSHIRE MUNICIPAL ASSOCIATION  
Celebrating Seventy-Five Years  
of Service to Your Hometown

**From:** Sheila & Roy Johannesen [<mailto:sheilaandroy@aol.com>]  
**Sent:** Tuesday, February 16, 2016 1:44 PM  
**To:** legalinquiries  
**Subject:** Danville Town official questoin

Looking for some guidance regarding town officials. It was brought up at our Selectmen meeting from someone who complained about the Animal Control Officer and what if any in his/her capacity can they enter someone's property. What happened was the ACO was called out on a stray found dog. Upon the ACO picking up the dog, there was no collar, no tags and no micro chip. The ACO went through her registered dog license list to try to track down the owner. This is

standard everyday practice when trying to locate owners. It is also standard practice to call a potential owner when the numbers given on the list work. If not, the ACO will go to the residence and try to locate the owner of the animal. In this case, the homeowner was not at home, and the ACO left her business town card with a note to contact her regarding the dog. The person did call back the ACO and in this case her dog had passed away, she was not upset at me but instead asked me to keep an eye open for another dog for her. I told her I was sorry and would removed the dog off our list.

It was NOT the person whom I contacted but a neighbor who thought I had no right to be on her neighbors property or yard.even if it was to leave a note in the door. I ask this question as we also serve civil forfeitures to unlicensed dog owners who are not always home, and again we do leave them in the door with a letter.

Someone told me that we have the right to go anyway a mail person could go on the property. I do realize the NH laws regarding other issues and property, but this was a simple note in a door notification.

Sheila Johannesen  
Danville Selectmen