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Town of Danville
Board of Selectmen
August 27, 2018
7:00 PM

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Meeting is Video-Recorded

Selectmen Present: Chairman Scott Borucki, Vice Chair Shawn O'Neil, Sheila Johannesen, David Knight, Judi Cogswell

Others Present: Patricia Shogren, Town Administrator; Members of the public: See Attached

Scott 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. Public Hearing: Far View cul-de-sac

Shawn motioned to open the public hearing on the Far View cul-de-sac. Seconded by Dave. Vote was unanimous. Shawn suggested that Dave present a summation of the issue(s) and the recent resolution.

Summation: Approximately twenty-nine years ago, a second developer submitted plans and was approved to extend Far View Drive beyond the existing cul-de-sac. The extension was not completed. The homes from the original developer had property frontages along the cul-de-sac, instead of into the middle of the cul-de-sac so they would get more frontage. This left the ownership of the cul-de-sac with the original developer. When the second developer came in that error should have been discovered and the cul-de-sac deeded back to the town. That did not occur. The BOS has corrected this issue. The original developer has given the town a quitclaim deed, and the town will now sign that land off to the Jervis' as should have originally happened.

Dave would like to give credit to Janet who discovered this error and did all the research and arrangements to correct the issue.

Scott adds that these changes were approved by the Conservation Committee and the Planning Board

Dave asks for the record if this Public Hearing was posted. Posting was confirmed by Patty.

Scott opens the discussion up to the public requesting names and addresses for the record.

Seeing no comment, Dave motioned to close the Public Hearing for Far View Drive. Seconded by Shawn. Vote to close the Public Hearing was unanimous

II. Public Hearing- Noise Ordinance

Scott requests and receives multiple motions to open the Public Hearing on the Noise Ordinance. Seconded by Shawn. Vote was unanimous.

Scott requests comments from the audience. One member requests to see the ordinance. Patty suggests the BOS explain the reason for the ordinance.

Dave once again was volunteered to give the summation.

Summation: Local Law enforcement is often called upon to give support to people in the neighborhood to act appropriately to take care of unnecessary noise. Most of the time we think of car or vehicle noise, and there are already ordinances in place for that. The biggest mistake that the BOS has seen made is that many noise ordinances are so specific that they are difficult to enforce or prosecute. Patty found several examples that allow the police to use their discretion wisely, and to come up with a fine system to deal with noise that is repetitive and out of line. The BOS has formed the legislation that now needs to be put before the people. The BOS will then formulate the final ordinance that will be put on next years' ballot as a warrant article. Copies of the ordinance will be posted in the Town Hall.

Scott opens the discussion to the public. There is no discussion. He requests a motion to close the Public Hearing on the Noise Ordinance. Multiple motions are made. Shawn seconded. Vote to close the public hearing was unanimous.

Scott asks for comments from the BOS. Dave would like to see the hours for nights before a federal holiday, as well as Friday and Saturday night hours be extended to 12:00AM. Board agrees by consensus. Patty will revise that section of the hours. Scott would also like to make changes under the "penalties" section that requires at least one warning. He would like to leave that up to the discretion of the police. Shawn agrees and suggests striking the entire sentence referencing the warning from the ordinance. Dave and Scott both agree. Consensus of the BOS is to remove the entire sentence from the ordinance.

Dave states that this doesn't need a second hearing. Patty will redistribute copies with the changes and the BOS will put it on the Town Warrant. BOS discussion re: voting on the warrant at this meeting. Upon further discussion, it was determined to wait until the final draft of the ordinance was provided and approved.

The third public hearing was not scheduled until 7:30 PM. Scott moves on to delegates in the interim.

III. Delegates

Chris Stafford provided an update on the Meetinghouse. It was painted in 2014, but there was peeling on the masonry and north side of the building. The painter was called in to remedy the issue. The peeling paint was repaired, a threshold was replaced and some screens were installed. The painter has stated the peeling paint is a result of too much moisture in the building. He will be making some recommendations to address that issue. He has also strongly suggested the removal of two trees in the adjoining cemetery that lean towards and over the Meetinghouse. The bill for the immediate repairs done is \$840.00. Chris would like the BOS to approve payment for the bill from the Parsonage fund and feels that it meets the requirements of that fund. The BOS questions the balance of that fund and it appears there is enough money. Shawn suggests that the bill be paid out of town's general maintenance fund, and that the BOS can decide later if it is appropriate to transfer that amount from the Parsonage funds. Dave motions to pay the bill from the town's general maintenance fund, seconded by Sheila. Vote was unanimous. Chris' second request is for the BOS to authorize him to work with the cemetery trustees and seek quotes on the removal of the trees. Consensus of the BOS is to proceed with the process of getting quotes for the tree removal.

Janet Denison introduces Frank Colburn who is requesting a home business registration. He has worked in construction and wants to start his own business and needs local approval for the IRS. He has reviewed the criteria from the Zoning Ordinance and appears to meet all that criteria. The exception is that he does not own his home and will need written permission from the homeowner to have this business at the home. The business will consist of phone calls and scheduling of job sites. There is no outside storage, no business on-site. Shawn motioned to approve the home occupation contingent upon receiving the written documentation of the homeowner's approval. Seconded by Sheila. Sheila asks for the location of the home, it is 7 Nicholas Circle. Dave questions if there is any heavy equipment storage there. Frank replies there is no heavy equipment, but eventually he will put in some storage. Vote was unanimous.

Jim Castine speaks on behalf of the Heritage Commission. They will have a speaker on September 23 from 2:00-4:00. Paul Wainwright will be discussing Meetinghouses in NH. This speaker has been paid for by NH Humanities Council. However, the check will be made out to the Heritage Commission and deposited into the Heritage Fund. There is no budget line for the Heritage Commission and he is requesting that the amount deposited \$207.50 be withdrawn from the Heritage Fund to pay the speaker. Dave motioned to allow payment from the Heritage Fund, seconded by Sheila. Vote was unanimous. Dave expresses his appreciation for the event on Sunday. Shawn explains that the Humanities check could have also gone through the general fund and that would have been easier.

Dave requests that the BOS write a letter of appreciation to the former Recreation Chairman for her service to the town as well as a letter to Carol Baird of the Heritage Commission and to Curt Springer of the ZBA. BOS agrees by consensus.

Shawn states that Janet has prepared the MS-1 form, for the BOS to sign which sets the value of the town's assessment for the fall net tax rate. Line #21 total assessment is \$400,248,422. Janet explains these numbers are preliminary. They are still doing data input and the numbers may change slightly. The form is due Sept. 4 and will need to be completed and signed by the end of the week.

At 7:30PM, Scott requests a motion to open the Public Hearing on the Long Pond Drawdown. Judi motioned to open the Public Hearing. Seconded by Shawn. Vote was unanimous.

IV. Public Hearing- Long Pond Drawdown

Patty explains this is an informational hearing to explain the reasons and process of the drawdown and to gather input from the BOS and the abutters who may be affected by the process.

Robert Loree, 222 Long Pond Rd. introduces himself as the Vice President of the Long Pond Protective Association. Long Pond has lost increasing amounts of surface water due to overgrowth of weeds including milfoil. Despite continuing and expensive efforts to control the weeds, the issue continues. The Association has looked for a less costly method of weed control and feels that a drawdown of the pond will expose the weeds to drying and freezing and will allow hand pulling of the weeds. Mr. Loree reads NH RSA 42:13 outlining the requirements for notification and hearings, and notes the dam owner is Bob Griffin of 68 Danville Rd, Kingston, NH. Lake and pond drawdowns are common on many lakes and ponds for weed control, maintenance of docks, retaining walls, etc. Dave asks when the last time was the Town of Danville had lowered the pond. Best estimate from Mr. Griffin was 4-5 years ago when concrete repairs were made to the dam. Mr. Loree stated they expected to lower the pond approximately two feet. Sheila asked if the pond had been treated yet, Mr. Loree stated there had been no chemical treatment for the milfoil to date. There is an expectation that there will be an herbicide treatment in September before the drawdown. Drawdowns are typically done at the end of October, early November after the season is done and the docks have been pulled out. Further discussion about the potential impact on pond abutters with dug wells. Shawn noted that this would not be a simple 1-week drawdown, but could potentially last for five months.

Mr. Loree explains this process is experimental as they are not sure it will be effective in addressing the issues. Regarding the issue of dug wells, Mr. Loree suggested that he be the contact person if there are any issues with wells. He would then contact Mr. Griffin and the boards would be replaced to bring the pond level back up. He also explained the drawdown would be gradual. Scott asked how many abutters had dug wells. According to the records from the last herbicide treatment, there are 5-6 homeowners with dug wells. A Long Pond Preservation representative also talked to Amy at DES, she wasn't opposed to the plan and felt it would also leave some room for spring runoff. Dave asked about the depth of the pond and the consensus was about twelve (12) feet in the middle. Carsten Springer observed that aerial photographs show that the surface area of Long Pond is about 50% smaller than in the 1970's when it was being used as a water supply for the mills and was flushed regularly.

Dave asked if the reduction in the volume of water would affect the wildlife. Mr. Loree stated that the drawdown would need to occur before freezing to ensure that hibernating wildlife would not freeze. NH Fish & Game would be notified before the drawdown to address any wildlife issues. Mr. Castine asked how low the pond went during the drought of 2017, the response was less than 12". Mr. Loree was not aware of any impacts to abutters' wells during that time.

Dave asked how the Association would address liability issues if any wells were impacted during the drawdown. Mr. Loree explained that all abutters would be notified prior to the process, and if any wells were impacted, the boards would be replaced to raise the water level. There was discussion of wells going dry vs. capacity and if the pond water was actually recharging the dug wells. It was explained that if all the boards were removed on the dam, they could drop the water by three feet, and felt that giving that 30% buffer by only dropping the water by two feet should prevent well problems. There was a question and discussion regarding the age of the dam and if there was an active spillway. Mr. Loree confirmed there is an active spillway approx. 4-5" below the gate. Charlie Krautmann from DES noted that the first inspection of the dam was in 1935 and very little of that construction has changed. He also noted that there were possible records of that dam back to 1770. There is more discussion on the treatment of milfoil that is done by the state, as well as numerous, invasive native weeds which are must be controlled locally. Mr. Loree concludes his discussion with the reminder that this drawdown is experimental, but is at no cost, and hopefully with no impact on anyone's wells.

Mr. Springer asks Mr. Krautmann for further DES input on how to better maintain Long Pond. Steve Doyon from DES introduces himself. DES is supportive of the drawdown process because the dam is in need of work and has significant leakage. They will be working with Mr. Griffith during the drawdown to attempt to remedy some of the actual dam issues. Mr. Doyon further explains the role of DES, Fish & Game, and DOT in managing dams and water levels to for safety and shoreline preservation, among other issues. Scott asks Mr. Doyon how successful is drawdown in weed control. Mr. Doyon explained that the pond has to be drained, the weeds need to get a good ground freeze before an insulating snow cover. Mike Fleck presented pictures of Arlington Pond and Miller Lake, which had been lowered, and the weed issue addressed. The pictures demonstrate that there are no longer any weeds in these ponds.

Scott asks for any further questions or comments. Hearing none, Dave motioned to close the public hearing on the Long Pond drawdown, seconded by Judi. Vote was unanimous. Scott asks for any comments or questions from the BOS. Shawn asks if there is anything the BOS must do. Mr. Loree explains that this hearing was for informational

purposes per the RSA. Shawn clarifies with Mr. Loree that the person who makes the final decision is Mr. Griffin, the dam owner. Sheila asks if landowners downstream need to be notified of the drawdown. Mr. Doyon explains that the rate of the drawdown should have no effect on the water levels downstream. Mr. Loree explains there is another dam downstream at the old mill, and the water eventually flows into Great Lake in Kingston. Sheila noted that she had observed a serious weed issue in one of the ponds while driving by.

V. Signature File- Minutes

Shawn confirms with Janet that the MS-1 form is for informational purposes only and cannot be signed until the remaining data input is completed.

Dave motioned to accept the August 13 BOS public meeting minutes from the Old Meeting House. Seconded by Judi. Vote was unanimous.

Dave motions to add a line of information to the public portion of the non-public minutes of the August 13 BOS non-public meeting. Shawn makes a motion to accept the non-public minutes as amended. Seconded by Sheila. Vote was unanimous.

Dave has new business from the Budget Committee. The Budget Committee would like to meet with the BOS and the Library Trustees. There is a new chair on the Budget Committee. Jeff is now the chair and Tom has stepped down to vice-chair. Dave requests a letter of appreciation to Tom for all his years as chair of the Budget Committee. Dave states that the Budget Committee would like to discuss the way increases are handled. They have a recommendation of something other than the classic COLA. They also asked what the COLA was for this year, but Dave had not received that information from Shawn yet. Patty stated that usually is figured out the first week of September. There is discussion of when to meet and the necessity of giving department managers adequate information. Scott asks for clarification of the COLA, stating that COLA is not an increase, it is a cost of living increase. Sheila asked if that meant everybody would get an increase, Dave could not speak for the Budget Committee. Dave state the third piece of information is that Roger Whitehouse resigned from Budget Committee.

Dave requests to address a second issue. He remembers John Caldwell set up the elections last year. He inquires if John is well enough to do it this year. Patty states that she will have to check. Dave asks that Patty follow through to ensure that the elections are set up either with assistance or by someone else.

The third issue Dave addresses is to appoint a BOS representative at the upcoming primary election as he will not be there that week. Shawn suggests closing the BOS and having Patty help out. There is discussion among the BOS. Dave reminds everyone there is a requirement for the BOS to be available at the elections all day. There will be an inspection. Patty makes the BOS aware that there will be a pro tem moderator.

After reviewing the MS-1, Dave asks Janet why some of the elderly do not get 100% of the elderly exemption. Janet responds that happens when there are others in the household who are not eligible for the exemption.

Scott asks if the BOS wishes to discuss the policy changes regarding the ZBA procedures the ZBA sent over for review. Shawn and Scott attended the meeting and wanted to bring the changes back to the BOS 1) the ZBA will need to seek legal counsel and 2) the BOS needs to be made aware that the ZBA is seeking legal counsel. 3) that because Janet works for both Boards there is a professional decorum that must be kept regarding attorney/client privilege. Dave expresses concern that there should be a procedure in place for seeking counsel. Further discussion. Shawn states that it boils down to keeping the BOS in the loop when dealing with counsel. Scott asks the Board to make its final recommendations and give it a final read at the next meeting and then send it back to the ZBA with those recommendations.

Judi explains that due to summer vacations the PD Committee took a hiatus from meetings and that meetings will resume in September and will be posted. She also informs the BOS that she will not be able to attend the Sept. 24 BOS meeting. She would like to express her appreciation for all who helped at the Old Home Day.

VI. Town Announcements

Open Committee Seats:

Forestry: 1 open position and 1 alternate position
Heritage: 1 alternate position
ZBA: 1 alternate position
Budget Committee: 1 position

Beginning October 8, the BOS will meet weekly

On September 23 from 2:00PM-4:00PM Paul Wainwrite will be at the Old Meeting House to talk about Old Meeting Houses around the state.

There being no further discussions, Dave motioned to adjourn. Seconded by Sheila, Vote was unanimous. Meeting adjourned at 8:35PM

Minutes derived by video provided on the Town of Danville website.

Respectfully Submitted
Deborah A. Christie

Name	Address
Josh Yokela	16 Tibbetts Rd. Fremont
Charlie Krautmann	NH DES Dam Bureau charles.krautmann@des.nh.gov
Steve Doyon	NH DES Dam Bureau steve.doyon@des.nh.gov
Lisa Dushaus	223 Long Pond Rd.
Jim VonDerheide	223 Long Pond Rd.
Denise O'Leary	271 Long Pond Rd.
James O'Leary	271 Long Pond Rd.
Bob Gratham	50 Annawro Blvd.
Jim McDonough	5 Ledge Rd.
Terri Petzold	5 Ledge Rd.
Susan Overstreet	265 Long Pond Rd.
Michael Fleck	277 Long Pond Rd.
Robert Loree	222 Long Pond Rd.
Andrea Lindenmayer	245 Long Pond Rd.
Jim Castine	Barber Dr.
Chris Stafford	478 Main St.
Janet Denison	9 Danielle St.
Bob Griffin	68 Danville Rd. Kingston
David Cogswell	185 Ghlaster Dr.
Amy Burie	227 Long Pond Rd.
Marcia Dolgin	222 Long Pond Rd.
Caren McKeon	145 Long Pond Rd.
Carsten Springer	Sandown Rd