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Town of Danville
Board of Selectmen
April 27, 2015
7:00 pm

Selectmen Present: Chairman Shawn O'Neil, Vice-Chair Chris Giordano, Annemarie Inman, Kimberly Farah, Sheila Johannesen

Others present: Janet Denison, Carsten Springer, Bob Lorrie, Allan Hess, Beth and Bruce Caillouette, Pat Mullen, Paul Mullen, Dave LaPlume, Chuck Cote, Wayne Brown, Elizabeth LaRocca/Eversource PR, Walt Bilynsky/Eversource Transmission-Community Outreach, George Samaras/Eversource-Transmission, Deborah Sarta Gier/GZA PM, Jaime Long and Matt Savage/GZA field staff,

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

I. Delegate

Beth Caillouette presented the 2014 Annual MS-4 report to the Board for signature. Selectman Farah made the motion, seconded by Vice-chair Giordano, to authorize the chair to sign the MS-4 report; motion passed. Selectman Farah thanked Beth and Patty for another successful Earth Day.

II. Eversource: Widening of the Powerline corridor

Chairman O'Neil outlined for the Eversource and GZA representatives the concerns the Board of Selectman, Conservation Commission, and the Forestry Committee had with the project currently being done in the powerline easement in Danville. He stated that multiple projects were occurring simultaneously and not all workers were familiar with New Hampshire and our property laws and no one seemed to be in charge. He also noted that on a few occasions, as cited in Town Engineer Dennis Quintal's report, deviations from the presented and approved plan were made without Board notification. (Engineer's reports attached to these minutes.)

Following a lengthy discussion that included explanations of work currently being performed, clarification of the tree-cutting, the Peaslee Tap, and the intended use of the culverts currently on site, it was determined that GZA and Eversource would increase their contact with Dennis Quintal and keep him and the Board better informed of the work being done, and deviations from the original plans, and the progress being made. Vice-chair Giordano asked if the current bond will cover the requested change in plans to use the access by the soccer field in the Colby Pond area and Janet stated she would look into this.

Resident Wayne Brown noted that he has lived by the easement for 30 years and during this time, every PSNH representative that has worked in the easement has been courteous, informative, and responds immediately to address and concerns or questions he has had when work is being done in his area.

III. Business License for Dog Kennel discussion – Chuck Cote

Chairman O'Neil addressed the 91-A request from Chuck Cote and stated the scope of information requested needed to be more specific before the Board could provide any documents. He also asked that Chuck maintain one point of contact with the 91-A request, noting that Mrs. Cote was emailing and coming to the office for the information that Chuck had requested. Chuck stated he already received the information he needed elsewhere.

Chairman O'Neil addressed the letter received from the State Vet citing that Chuck has been importing dogs into New Hampshire from Kentucky for resale and that the Cotes have made no effort to comply with local zoning and obtain a variance from ZBA to enable them to register their business with a town. (State Vet letter attached)

Chuck stated that the sale of dogs was covered under the RSAs addressing agriculture and he will never apply for a kennel license. He cited RSA 437, specifically line 437:10 and - :7 as well as 466:6. Selectman Farah informed Chuck that since this issue was raised in 2008-2009, the RSAs have changed and that there is prima facie evidence that he was running a business and was not in compliance with the town ordinance or regulations. Dogs are not considered part of the agriculture exemptions and the Cotes do not have permission from Zoning and the Selectmen to be running a home business. Chuck stated he would file an application with ZBA in the next day or two. He also thanked the Selectmen for the moment of silence taken at the start of each BOS meeting to honor our troops. He stated his daughter was in the military and overseas.

IV. Minutes

Selectman Johannesen stated she had reviewed the video of the 3/30/15 meeting and had some changes she wanted to be made to the minutes. She stated that Selectman Inman said at that meeting that her (Johannesen's) behavior was that of a rogue and that it was not said she was a rogue selectman as reflected in the minutes. The Board stated the minutes captured the discussion and the majority of the Board said this change was not necessary. Selectman Johannesen also asked that the minutes be changed stating she asked Patty to post the agenda and did not direct her to do this as a Selectman. The Board disagreed, again citing Selectman Johannesen's email that does direct Patty to perform this task. Selectman Johannesen asked that the email of her direction to Patty to post the agenda at the post office and the email received from the NH Municipal Association legal department be attached to the minutes; the Board agreed to the attachments to the 3/30/15 minutes.

Vice-chair Giordano made the motion, seconded by Selectman Farah, to approve the March 30, 2015 as amended; motion passed. Johannesen voted no.

Vice-chair Giordano made the motion, seconded by Selectman Farah, to approve the April 13, 2015 minutes as amended; motion passed.

Selectman Farah made the motion, seconded by Vice-chair Giordano, to approve the 8:45pm NP minutes as amended; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Farah, to approve the 8:55pm NP minutes as written; motion passed.

Selectman Farah made the motion, seconded by Vice-chair Giordano, to approve the 9:054pm NP minutes as amended; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Farah, to approve the 9:30pm NP minutes as written; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Farah, to approve the 9:35pm NP minutes as written; motion passed. Johannesen abstained.

V. Signature file

Vice-chair Giordano made the motion, seconded by Selectman Farah, to accept Policy 3-5 Personal Expense Report as amended; motion passed.

Following discussion, Vice-chair Giordano made the motion, seconded by Selectman Farah, to accept Policy 3-6 Purchase and Bid, Policy 5-2 Code of Conduct, and Policy 3-1 Overtime approval; motion passed. Selectman Farah stated that the Overtime policy needed to be enacted. Patty said she would forward this to all the departments. Selectman Johannesen stated the policies should be signed each year by all employees. It was decided that when the new website was up and running, the policies would be uploaded as accepted each year and the town would work with the designers to incorporate a 'check box' to perform this task.

Selectman reviewed an abatement for a failed septic system on the grounds that the reassessment reflecting the failed system was too much money. They asked that the Assessor support the amount of abatement he recommended.

Vice-chair Giordano made the motion, seconded by Selectman Inman, to sign the Suburban Propane agreement; motion passed.

Selectmen signed four Intent to cut applications, two elderly exemptions, and a land use change for parcel 2-16-3.

Vice-chair Giordano made the motion, seconded by Selectman Inman, to appoint Curt Springer to the Zoning Board of Adjustments; motion passed.

VI. Old/New Business

Vice-chair Giordano informed the Board that Planning Board recommended to the Board of Selectmen that the Town's membership to the Rockingham Planning Commission not be renewed; the Board agreed. Planning Board requested that a revolving fund be established to roll the dues monies for future use for costs incurred for updating Planning Board regulations and the Master Plan.

Vice-chair Giordano asked Patty about the information she received from her class regarding the employment of 15-16 year old students and it was relayed that the school signs release papers, Patty obtains parental permission, and the State RSA allows this up until 9:00pm during the school year.

Selectman Farah updated the Board on the Sandown withdrawal study and stated that a Selectboard member from each town as well as a school rep from each town was the membership of this committee. She stated that Rob Collins was Danville's representative and she was concerned that the committee had not met yet and at a few different forums Rob stated that the Sandown withdrawal was not feasible. Chairman O'Neil suggested that he be called out if this attitude continued when the committee met.

Selectman Farah asked that the board determine the figures budgeted for professional services, encumbered funds and those from the 2015 budget. Patty said she would gather this information.

Selectman Johannesen stated she was posting the agenda at the post office and there was no issue. She also stated that more of an explanation be written up with each agenda item listed on the Board of Selectmen's agenda that is posted. She stated she did not know what the Eversource noted on this week's agenda was about. It was that she was a new selectman and many items would precede her election to the board and if she had questions, she should contact the office or a board member and get this information prior to the meeting. Selectman Farah stated that is what she did so she would be prepared for the Eversource discussion.

Janet Denison explained the procedure for the posting of minutes reiterating that a meeting posting for the Board of Selectman was required to be in two places and that only notice of the meeting – date, time, and place – was necessary. It was a courtesy that an agenda was posted; the board wanted to keep the public informed of up and coming topics.

At 9:30pm Vice-chair Giordano made the motion, seconded by Selectman Inman, to go into non-public session under RSA 91-A:3 II (c). Roll call vote: O'Neil – yes, Johannesen – yes, Inman – yes, Farah – yes, Giordano – yes; motion passed.

At 9:45pm Vice-chair Giordano made the motion, seconded by Selectman Inman, to return to public session. Roll call vote: O'Neil – yes, Johannesen – yes, Inman – yes, Farah – yes, Giordano – yes; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Inman, to seal the minutes for reasons outlined in RSA 91-A:3 II (c). Roll call vote: O'Neil – yes, Johannesen – yes, Inman – yes, Farah – yes, Giordano – yes; motion passed.

At 9:50pm Vice-chair Giordano made the motion, seconded by Selectman Inman, to adjourn; motion passed.

Respectfully submitted,

Patricia Shogren

Selectman's Administrator