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Town of Danville
Board of Selectmen
November 23, 2020
7:00 PM

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Meeting is Video-Recorded

Selectmen Present: Shawn O’Neil, Chair; Steve Woitkun, Vice Chair; Sheila Johannesen, Dottie Billbrough, and Joshua Horns

Others Present: Kimberly Burnham, Selectmen Administrator; Carsten Springer, Chair, Forestry Committee, Chair, Conservation Commission; Chip Current, Forestry Committee; Rob Loree, Vice-Chair, Forestry Committee, Vice-Chair, Conservation Commission.

Shawn called the meeting to order at 7:00PM and 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. Delegates

Shawn asks if there are any members of the public not on the agenda who wish to address the BOS. No members of the public ask to speak.

II. Budgets

#4619.90- Town Forest: Carsten Springer, Chair of the Forestry Committee presents #4219.90 Town Forest budget for \$4310. He reminds the BOS that they had asked the Forestry Committee to fund line #741- Pond Levelers last year to address an issue with beaver control. Mr. Carsten notes that he had told the BOS last fall that the Town needed to address the situation downstream, all the way to Long Pond Rd before they could deal with the beaver dams. The committee has left that funding in place because the area below Rte.111 is not any lower than it was. Mr. Springer suggests the BOS reach out to those property owners. Mr. Springer also notes that #830- Special Projects has been funded for \$3500. These projects are to address areas needing work, primarily along the power lines north from the soccer fields. He states he is hoping that something will be taken care of by Eversource, but the committee is planning that they may need to take care of some things by themselves, particularly fire access primarily north of Tuckertown Rd. Mr. Current clarifies that \$60 has also been included in the budget in a separate line to cover Long Pond HOA dues, noting that has been a great asset to the committee and they would like to keep that funding. Shawn confirms that it was included in the budget request.


Shawn notes the BOS needs to close in on the Eversource agreement for easement and access and that they want to finish this by the end of the year. Mr. Springer notes that he is “not holding his breath” and wants to be sure that Chief Woitkun can get his equipment in there if he ever needs to. Steve asks if Eversource has finished their work, noting they have picked up some of the lumber for the mats off Rte. 111. Mr. Current notes that the last time he looked; the mats were still down going east from Main St. Mr. Springer expresses his concern that if Eversource is wrapping things up, they will not be willing to negotiate, and be back in 2-3 years asking for another temporary access permit. He notes that will be the fourth time in ten years. Shawn emphatically states that if that is the case, Eversource will be told “no”, and notes that he supports the Forestry budget.

Steve asks where any proceeds would be held that were generated from a timber harvest on the Town Forest land. Mr. Springer explains they would go to two accounts depending on where the timber was cut. The Town Forest is divided into lots. Two lots belong to the Forestry Committee, and funds generated from those lots would go into the Forestry fund. Funds generated by the other lots would go in the Parsonage fund. Mr. Springer notes his understanding that the BOS had had the Trust document changed so those funds go to the Meeting House, as there is no longer a minister and emphasizes that any net funds would be kept very separate. Mr. Springer

explains the Town Forest land is 8-9 years beyond needing to be cut and is becoming a fire hazard. Mr. Current notes that while the timber markets have been down over the past several years, the Forestry Committee needs to start maintaining the forests. Mr. Springer notes that is one of the reasons for funding the Special Projects line, so they can get access into the forest. Shawn states that he wants to see a timber cut done.

Mr. Springer explains the Forestry Committee has never done a true, detailed inventory of the species, health and quality of the Forest. He notes the committee used existing funds to cut a timber survey where the power lines were expanded. Mr. Carsten notes the objective of the committee is to treat the forest for its health and wildlife. Shawn agrees that Forestry Committee should try to maximize the timber harvest, but expresses concern with the health of the forest, noting that needs to come first. Mr. Springer explains the Town Forest issues need to be addressed in “chunks” as that would make them more manageable and he wants the public to be able to see the results of what they are doing. He explains the objective of the survey was to bring the forest from a -3% growth to a 5-6% compound growth over the long haul. He reminds the BOS that the Forestry fund rolls over every year and the committee’s goal is to become self-funding. Shawn notes that he agrees with the process, but wants to see an execution of the plans. He also notes his concerns with the fire hazards.


Mr. Springer asks Steve (as Fire Chief) if he had walked Tuckertown Rd. from the Meeting House out to the power lines. Steve confirms that he had. Mr. Springer asks if he would consider it a viable access point to the Town Forest in the case of a fire, noting that it is pretty bad and is another area that needs work. The road is flooded and cut off by an overgrowth of trees; and while it is historic, it still needs to be a road. Shawn reminds Mr. Springer there are multiple access points to the Town Forest, including a new one on Colby and that this issue does not need to be addressed right now. Steve motions to approve the budget for #4619.90 Town Forest for \$4310. Second by Dottie. Vote is unanimous (5-0).

 **#4619.90- Town Forest budget is approved for \$4310**

#4153.10- Legal: Shawn presents the #4153.10 Legal budget for \$60,000. He explains the difficulty of planning for legal expenses, noting there is no way to know who, what, or when the Town will need legal services. Sheila asks if it is over-budgeted. Shawn states that it is not, noting that he is recommending the budget be level funded from FY2020. Steve motions to approve the budget for #4153.10- Legal for \$60,000. Second by Dottie. Vote is unanimous (5-0).

 **#4153.10-Legal budget is approved for \$60,000**

#4323.30- Bulk Pick-Up: Casella has submitted a budget for #4323.30 Bulk Pick-Up for \$47,104. This includes two (2) bulk pick-ups. Sheila asks if the BOS can encumber the funds not used for the second Bulk pick-up in 2020. Shawn states “no”. Sheila questions why not as it was a contract. Shawn notes the BOS only had to honor the one Bulk Pick-Up that was approved by the voters via a Warrant Article, that they (the BOS) would not hold another bulk pick-up before the end of the year, and that the BOS was not contractually obligated to hold a second Bulk Pick-up. Kim notes that Casella stated it was a 4% increase. Shawn explains that both Bulk Pick-Ups will be in the Town Operating Budget due to the Warrant Article, reminding the BOS that both would move to the Default Budget as that is what the Warrant Article implied. Steve states that he feels the Town should only do one (1) Bulk Pick-Up. Shawn notes that he agrees, but the voters overwhelmingly approved the second Bulk Pick-Up in the FY2020 Warrant Article. Dottie motions to approve the budget for #4323.30- Bulk Pick-Up for two (2) Bulk Pick-Ups and disposal for a total of \$47,104. Second by Sheila. Vote is 4-yes, 1- no (Steve), 0-abstentions (4-1-0). Shawn notes he is only voting “yes” because that is what the voters want.

 **#4323.30- Bulk Pick-Up (2) budget is approved for \$47,104**

#4323.10- Waste Collection, Disposal, and Recycling: Casella has submitted a budget for #4323.10- Waste Collection, Disposal & Recycling for \$420,799. Kim notes there are increases in the contract for FY2021. Sheila confirms these are the same numbers provided to the BOS earlier. Shawn briefly reviews the spreadsheet with the BOS. Steve motions to approve the budget for #4323.10 Waste Collection, Disposal and Recycling for \$420,799. Second by Dottie. Vote is unanimous (5-0).

 **#4323.10 Waste Collection, Disposal and Recycling budget is approved for \$420,799**

#4520- Parks and Recreation: This budget was submitted for \$24,280. Shawn states that due to the changes occurring in the Highway Dept, he would like to wait for input from the newly appointed Road Agent. The consensus of the BOS is to table this budget for later review.

III. Old/New Business

Stormwater Management: Shawn states that he would like to recommend that the Conservation Commission be in charge of the Stormwater Management program, interface with the consultant and bring recommendations to the BOS. He explains that all the files have been turned over to the Town. Kim refers Mr. Springer to several large boxes at the back of the meeting room. Mr. Springer states that under NH RSA, the Conservation Commission is advisory only and really cannot be in charge, but the Commission is can look at what the consultant is doing and recommending. Mr. Springer states he believes the Planning Board and the Highway Dept. would be the two boards involved in Stormwater Management. Shawn agrees. He explains that he would like the Conservation Commission to understand the focus and direction of the plan and to give their input to the BOS. He explains the BOS would make the decisions, and the execution of those decisions would be through the Highway Dept.

Mr. Springer notes there have been two successful situations that he has seen over the past five years. The first involved Chief Woitkun and sewer discharge. The consultant had generated an 18-19 page document for the BOS that involved 3-4 agencies when the Rockingham Haz Mat Team can handle all of it. The Conservation Commission reviewed the process, reduced the document to one and a half page of logical steps. The second situation that was successful was when the Planning Board put together documents for the larger EPA permit. He notes that most of Danville has been designated as “urban” and is subject to the same requirements as Boston, MA and Portland, ME. He advises the BOS to keep this function with the Planning Board rather than the BOS. He notes the Planning Board deals with the overlays dealing with zoning and water, and the Conservation Commission is willing to help them out. Shawn agrees that more departments need to be involved with the process, but right now there is a “big hole”.

Mr. Springer reviews the request made by the BOS: The Conservation Commission will look at the current documents to establish where the Town is in the process. They will make recommendations to the Planning Board and the BOS as to who might be the best board to administer the details of the plan. Shawn agrees this is what the BOS is asking.

Steve asks if the Town needs the consultant, or is the Town in compliance right now. He suggests that if there is another phase of rules coming from the EPA, the Town could hire a consultant at that time to make sure the Town is in compliance. Shawn states the Town has the same consultant as in the past, noting he always used the maximum budget for EPA projects. He notes that when the consultant was questioned, he would admit the projects were in anticipation of regulations “down the road”, and this process resulted in the Town constantly spending money on future EPA “requirements”.

There is discussion regarding the fact that several EPA “requirements” never came to be as they were challenged in court. Mr. Springer gives an example of the Planning Board “doing it right”. The Planning Board made the *applicants* of developments assume responsibility to determine if the property was subject to the various EPA requirements. He suggests that if the consultant tells the BOS that an EPA requirement is “coming”, the BOS should “wait until it is here”. Shawn explains that the process has morphed into the Town doing the very minimum, filing reports, etc. and not engaging in future “endeavors.” The BOS would keep the budget so there is some funding available, but would do projects “a la carte” – just meeting the requirements. Shawn notes he wants to have the budget for Stormwater Management properly funded, but the Town will not do anything that it does not have to do. He also notes that part of that budget covers the costs of generating and filing the required EPA reports. Mr. Springer agrees this is where having a consultant can be useful. Mr. Springer notes there is no way a volunteer board (as the Conservation Commission) can know all those details. Shawn agrees and states that he would also be hesitant to be involved with someone who deals with EPA issues on a daily basis, noting the EPA rules have “teeth”. He notes he believes the Town is far enough ahead of the regulations to be in compliance. Mr. Springer expresses his issue with Danville being called “urban”, yet Epping is still considered “rural”. Shawn reminds him that right now the BOS is trying to figure out the best way to handle the “void”. He states that he has

seen other towns use their Conservation Commissions this way and wants to continue to explore that. Mr. Springer states that using the Conservation Commission in this manner is fine for the short-term. He expresses concern that long-term may not be the best use of the Conservation Commission because of the lack of expertise of that board, and the Conservation Commission needs to be very careful of how they are used by the Town given that under NH RSA they are “advisory only”. Mr. Springer asks Shawn where he would like the Conservation Commission to start. Shawn refers him to the boxes. Mr. Springer confirms that the BOS has the current consultant under contract and suggests the Conservation Commission Chair, Vice-Chair, and someone from the Planning Board sit down with the consultant and sketch out his view of the current situation. Shawn will provide the consultant’s contact information to Mr. Springer. He also notes the BOS will consider any of the Commission’s recommendations.

Purchase of Conference Phones: Shawn explains this is a request from the Budget Committee. Shawn comments that Mr. Hantman has purchased the license for ZOOM and the Budget Committee should be utilizing the Town’s version of that. Shawn asks Sheila how the BudCom meetings are done. Sheila explains they are done on ZOOM, but that Mr. Billbrough (the Chair) is using his cell phone and reception is an issue. Dottie confirms this. Sheila also notes it creates an issue with the audio for the meeting as no one can hear him. Shawn suggests that Mr. Billbrough might be better off using the audio on the laptop as that would be VOIP (Voice Over IP). Shawn notes that he has no issue with getting a conference phone; they just need to figure out what to get. Sheila asks if that can be paid for from the Cable account. Shawn notes a speakerphone should not be expensive. Sheila states that is what the fund is for, noting that Cable infrastructure and equipment is the only thing that fund can be used for. Shawn agrees and suggests that expense could also go on a future GOFERR grant. Sheila notes that people have realized there are many things that should have been submitted on those grant requests.

Joshua asks if there is a phone line available in the Meeting Room. After everyone surveys the room, Shawn notes it would probably need to plug in by the hub. He asks Kim to contact Mr. Hantman and ask him to get a speakerphone.

Road Agent: The BOS has received four (4) applications and resumes for the Road Agent position. Shawn notes there is one (1) applicant that stepped forward immediately. There is one (1) applicant from out-of-town. Shawn explains that because this is currently an elected position, that applicant could only serve until March and would not be able to be on the ballot for election. Shawn passes down the application that he is recommending. Joshua asks if the BOS needs a Non-Public to discuss the applicants. Shawn agrees the BOS could use a Non-Public if it warrants discussion, but he believes he has recommended the strongest applicant for the position. Joshua states that he feels the BOS owes all the applicants a discussion. Shawn then realizes that as an elected position, all discussion must take place in a public session, explaining the BOS is appointing an elected official. Joshua confirms the BOS has someone who is acting as a consultant right now, and that he (Joshua) agrees with the recommendation. He reviews the applicants to ensure they all have their CDL licenses (all but one does), noting that leaves two applicants with all the qualifications, one that has been recommended and another that is also a Town resident. Joshua notes that he is not familiar with the recommended applicant and asks for the criteria used to qualify them. Steve states they considered 1) knowledge of the Town, 2) knowledge of the Town’s equipment, 3) knowledge of road construction, 4) some length of residency in the Town in order to provide needed customer service, and 4) level of community involvement over the years. Joshua confirms the recommended applicant meets all these requirements, noting his hesitancy is due to an earlier discussion with the recommended applicant. Steve reminds him the position will be up for election in March. Joshua notes the Town needs someone who will be able to do the plowing. Steve notes that if the Road Agent position continues to be an elected position, this applicant will be a viable candidate for the ballot. He states this applicant grew up in Town and knows the Town and all of the people. He also reminds Joshua that it is out of the BOS’ hands in March unless the BOS goes through the process to make the Road Agent position an appointed one, which he (Steve) personally prefers. Joshua notes that his questions have been answered. Steve motions to recommend the BOS appoint James Seaver as the appointed Road Agent until March 2021, when he (Mr. Seaver) can run on the ballot for election as the Road Agent. Second by Dottie. Vote is unanimous (5-0). Shawn asks Kim to properly notify all the applicants of the BOS’ decision and to work with Mr. Seaver to put together a budget for the Highway Dept.

Signature File: The BOS review and sign the documents in the Signature File. No discussions are needed.

Minutes: the BOS review the minutes for the November 16, 2020 public BOS meeting. As a follow up to the minutes, Shawn asks if the BOS had reviewed the information from the Town Clerk regarding the Welfare benefits paid and reimbursed by the GOFERR grant amounting to almost \$30,000. He notes the Welfare budget the BOS just approved only funded the Direct Assistance lines for \$24,000. Shawn suggests the BOS not increase that budget at this time, but notes they need to remain aware of this issue. He states that he would have rather seen those expenses reflected as over-spent in the budget and then offset with the unanticipated revenues from the GOFERR grant so the BOS could see the actual expenditures. Shawn confirms with Kim that the process for the public hearing regarding the removal of Mr. Rosati from the Planning Board and the Budget Committee is proceeding on schedule and will be held two (2) weeks from this meeting. Sheila confirms there has been no response from Mr. Rosati. Kim notes the notice appeared in today's (11/23/20) local paper. Dottie motions to accept the minutes as written. Second by Steve. Vote is unanimous (5-0).


Non-Public Minutes: The BOS review the minutes from the November 16, 2020 Non-Public session. Shawn requests that it be noted in the minutes that the BOS approved the minutes from the November 9, 2020 Non-Public session after they were discussed. Steve motioned to approve the November 9, 2020 Non-Public minutes as amended. Second by Sheila. Vote was unanimous (5-0). Steve states that he would like a Non-Public session to discuss how close the BOS is to meeting the goals put forward as reflected in the November 16, 2020 Non-Public minutes. Shawn agrees and notes there is a Non-Public session scheduled for tonight (11/23/20). Shawn motions to approve the November 16, 2020 Non-Public minutes for NH RSA 91-A 3 II(c) as amended. Second by Sheila. Vote is unanimous (5-0). Dottie motions to approve the November 16, 2020 Non-Public minutes for NH RSA 91-A 3:II(b) as written. Second by Sheila. Vote is 4-yes, 0-no, 1- abstention. Steve is not present to vote. (4-0-1).

Community Center: Shawn refers to a previous request by Joshua to move the BOS meetings to the Community Center to allow for a better opportunity for social distancing. He explains that he could not do it for tonight's meeting (11/23/20) due to the logistics of noticing the change of venue. Joshua reiterates that he feels it will give the BOS more room to spread out. Shawn asks Kim to check on the availability of the Community Center on Monday nights and to schedule the BOS meetings there as available.

Sheila asks if the BOS will continue to allow the Community Center to be rented for events. Shawn explains the voters gave the control of the Community Center to the Community Center Committee and this is out of the BOS' hands. Sheila expresses her concern with renting the Community Center to out-of-state parties and furthering the spread of COVID. Shawn suggests that she get on the Community Center Committee as only they have the authority to manage the Community Center. Kim explains the Community Center is being used/rented all week. If the BOS ends that availability, it has to be for everyone, including all the Town boards and organizations that use it. Shawn ends the discussion because it is out of the BOS' purview.

IV. Town Announcements

Calendar

 **Monday, November 30-** BOS meeting, 7:00PM at the Community Center (TBD)

There being no further items to discuss, Shawn motions for a Non-Public session under NH RSA 91-A 3:II(c). Second by Sheila. Roll Call vote: Shawn- yes, Steve-yes, Sheila-yes, Dottie- yes, Joshua-yes.

Non-Public Session begins at 8:05PM.

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

Respectfully Submitted
Deborah A. Christie